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THE
T R I A L
OF
THOMAS HARDY,
FOR
High Treason,

AT THE
SESSIONS HOUSE IN THE OLD BAILEY,

ON
*Tuesday the Twenty-eighth, Wednesday the Twenty-ninth,
Thursday the Thirtieth, Friday the Thirty-first of October;
and on Saturday the First, Monday the Third, Tuesday the
Fourth, and Wednesday the Fifth of November, 1794.*

V O L. III.

TAKEN IN SHORT-HAND,
By JOSEPH GURNEY.

L O N D O N :
SOLD BY MARTHA GURNEY, BOOKSELLER, HOLBORN-HILL,

1795.

THE
TRIAL

THOMAS HARDY

High Bailiff

SESSIONS HOUSE IN THE OLD BAILEY



VOL. II

AND W. JAMES IN SHORTLAND

JOSEPH GURNEY

LONDON:

OLD BARNATHA CUNNEY, BOOKSELLER, HOLBORN

1792

TRIAL

OF

THOMAS HARDY

FOR

HIGH TREASON.

[The Cross-examination of John Groves, continued, from
Vol. II.]

Q. BECAUSE Mr. Walsh came there with King and Constitution upon his buttons, you chose to say that you thought he was a spy, was that so?

A. That was not the reason, because he had the King and Constitution upon his buttons, for that might have been put on.

Q. Well, seeing him there with King and Constitution on his buttons, you chose to say, that you thought he was a spy from the Treasury?

A. No.

Q. Then do tell me how the fact is?

A. The fact is, I was applied to by two or three to know if I knew Mr. Walsh, I said yes, and he was pointed out to me; I said that is Mr. Walsh, certainly; somebody made answer, who I cannot say, he is just come from Ireland, where he has been upon some Government business; I was asked if I knew any thing of his being employed by Government, I said immediately, I do believe he is.

Q. Did not you say you believed he was a spy?

A. I do not think I did.

Q. Will you swear you did not say, that you believed he was a spy?

B 2

A. By

A. By my saying that I believed he was employed by Government, I meant to say, that he was a spy.

Q. Then you do consider that the term spy, is to be applied to those employed by Government?

A. If you take it by implication that a man employed by Government is a spy, it is so.

Q. No; it is your own interpretation of the words?

A. Then you have it that way, I confess it so far.

Q. Then you did say you thought he was a spy?

A. Yes, so far as giving information.

Q. It was after that, that Mr. Thelwall said he was for admitting all spies?

A. Certainly, Mr. Thelwall did say so.

Q. This was a very large meeting, was not it?

A. It was large.

Q. Had you no apprehension for your friend, Mr. Walshe, saying, you thought he was a spy, at such a meeting?

A. He is no friend of mine.

Q. He was not a man, I suppose, whom you wished to have torn to pieces?

A. No, nor any man in the world.

Q. Was not you a little apprehensive of holding him out, as a spy, a man you knew nothing of?

A. No; I was for admitting all spies too, and to let them remain there unmolested.

Q. But though you might be for letting spies, that were there, continue; I want to know why you pointed out a particular man as a spy?

A. I did not point out a particular man, I was applied to if I knew him, and I was taken to one end of the garden to look at him, and I said that is Mr. Walshe, certainly.

Q. Did not you say you believed he was employed by Government?

A. I did.

Q. Employed by Government to be there?

A. I did not say that.

Q. But was not that your meaning?

A. I did

A. I did mean that.

Q. Then why are you fencing with me?

A. I am not fencing.

Q. You represented him to be a man sent there by Government, in the same way as yourself?

A. Yes.

Q. What induced you to point out this man?

A. I was desired to point him out.

Q. Did you believe him to be so?

A. I did.

Q. I want to know whether you going there, as what you call yourself a spy, how you came to point out to the people, that were there, another person whom you also believed to be a spy?

A. There was good reason for that, because, if I had not said he was sent there as a spy, I should have been suspected myself: the fact was too notorious to be denied, and if Mr. Walsh was here he would not deny it.

Q. With King and Constitution upon his buttons?

A. I think there was at that time.

Q. What number of people do you think were there at this time?

A. I should think between two and three thousand; there was a vast number, I believe, that were there out of curiosity, but, as far as I am able to judge, there were not above eight or nine hundred of the London Corresponding Society there.

Q. You say, that sitting down to eat some bread and cheese, there was something that you called little instruments taken out, and it turned out that these were French knives?

A. Yes, in the shape of French knives, made in this country I presume, as many of them are.

Q. I know they are very common things?

A. As common as any thing certainly, and I believe a great many people use them for safety to their hands.

Q. You went to Mr. Green's in Orange-street, you say?

A. Yes.

Q. He told you he had sold two or three hundred of these, but

told you to speak very low as the parlour-door was open, and his wife was a damned Aristocrat?

A. He certainly used those words.

Q. You are positive to those particular words, that he said his wife was a damned Aristocrat?

A. I am, and we both of us laughed.

Q. What did you laugh at?

A. At the lady's being an Aristocrat.

Q. I think you told me you were at the dinner on the second of May, at the Crown and Anchor?

A. Yes.

Q. How many people might there be there?

A. I should think there must be five hundred in all.

Q. You went there in the same character, I suppose?

A. Affuredly.

Q. You say there was some piece of news brought—a newspaper brought in?

A. I do not know whether a newspaper was brought in, but there were accounts brought in that some of the Allied Powers had received a very great check.

Q. You do not know whether there was any newspaper brought in?

A. I do not; I must add this, that I was very much surprised indeed when I went into the Constitutional Society—I there saw a number of most respectable gentlemen.

Q. Then at this meeting that you are speaking of, there were a number of very respectable gentlemen?

A. Indeed there were.

Q. How did you get there?

A. I have told you by a ticket Mr. Hardy brought to me; I offered to pay for it, he said they were not to be paid for.

Q. What number did this meeting consist of?

A. I dare say near five hundred; I think three hundred and fifty or four hundred sat down to dinner.

Q. You are not sure, I think you say, who was in the chair?

A. I am not, but if I may presume to think upon the subject, it was Mr. Wharton.

Q. You

Q. You must not presume to think.

A. Then I am not certain, and I will give you the reason; we went into the room, and there was a little bustle, and who was put into the chair I cannot say, but I consider Mr. Wharton to be in the chair; but whether it was him or Mr. Horne Tooke, I cannot tell.

Q. Which ever it was, I suppose he sat at the head of the table?

A. There was a row all along, and they sat at the head of the table.

Q. Then I think you say Mr. Tooke made a speech, in which he reflected upon the House of Commons?

A. Yes.

Q. You say he called the House of Commons a sink of corruption?

A. He called the House of Commons a scoundrel sink of corruption.

Q. He spoke of there being a junction between the two parties?

A. He called them a scoundrel opposition.

Q. I do not want you to repeat any offensive expressions that he used against individuals, but I think in speaking against the hereditary Nobility, he spoke generally of a particular person?

A. He did, and he spoke of more than one.

Q. I believe he spoke highly of the hereditary Nobility of the country?

A. He did.

Q. He spoke highly of the hereditary Nobility of the country as contra-distinguished from adventurers?

A. Most assuredly, he paid the hereditary Nobility of the country every compliment that a man could pay.

Q. I believe he observed, likewise, that this hereditary Nobility, of whom he spoke so high, had lost their influence in the state, by the introduction of adventurers?

A. I do not know that the word adventurers was made use of.

Q. By the introduction of those then who were not the hereditary Nobility?

A. The new Nobility.

Q. He had before been declaiming against the House of Commons, certainly, using an improper expression, however, calling them a sink of corruption?

A. Yes.

Q. Did he not say, likewise, that those new Nobility were introduced into the House of Lords, by means of those people whose conduct he was finding fault with in the House of Commons?

A. I think his sense was the same; I have no hesitation to say that his sense was the same.

Q. Did he not also speak highly of the office of the King in the Constitution?

A. I am very clear he did, because he said, that the new-made Peers, or those lately introduced into the House of Lords, either had combined, or were combining for the purpose of amusing that poor man, the King.

Q. Did he not mention it as matter of complaint, that the King had lost his due weight in the constitution, by means of this corruption that he had been complaining of before?

A. I understood him completely so; I do not know one word that Mr. Horne Tooke said disrespectful to his Majesty.

Q. Did he hold out any thing as matter of complaint in the now existing constitution, except that there was a sort of people introduced into the House of Commons whom he disapproved of; and by their means likewise a sort of persons introduced into the House of Peers, whom he disapproved of; and that they, acting together, restrained the due power of the Crown?

A. I believe that was the object of all his conversation.

Mr. John Gurnell (called again).

Q. Where did you find that paper?

A. In Mr. Hardy's house.

It was read.

"Turn

" Tune Vicar of Bray.

" I.

- " Why should we vainly waste our prime,
- " Repeating our oppressions ?
- " Come rouse to arms, 'tis now the time
- " To punish past transgressions.
- " 'Tis said that Kings can do no wrong ;
- " Their murd'rous deeds deny it ;
- " And since from us their pow'r has sprung,
- " We have the right to try it.
- " Chorus, Come rouse to arms, &c.

" II.

- " The starving wretch, who steals for bread,
- " But seldom meets compassion,
- " And shall a crown preserve the head
- " Of him who robs a nation ?
- " Such partial laws we all despise ;
- " See Gallia's bright example ;
- " The glorious fight before our eyes,
- " We'll on every tyrant trample.
- " Come rouse, &c. &c.

" III.

- " Proud Bishops next we will translate
- " Among priest-crafted martyrs :
- " The guillotine on Peers shall wait,
- " And Knights we'll hang in garters :
- " These Despots long have trod us down,
- " And Judges are their engines ;
- " These wretched minions of a Crown
- " Demand a People's vengeance.
- " Come rouse, &c. &c.

" IV.

- " Our Juries are a venal pack,
- " See Justice topfy-turvy ;
- " On Freedom's cause they've turned a back,
- " Of Englishmen unworthy :
- " The

" The glorious work but once begun,

" We'll cleanse the Augean stable :

" A moment lost, and we're undone,

" Come, strike while we are able.

" Come rouse, &c. &c."

" V.

" The golden age will then revive ;

" Each man shall be a brother ;

" In peace and harmony we'll live,

" And share the world together.

" In virtue train'd, enlighten'd youth

" Will love each fellow creature ;

" And future ages read this truth,

" That man is good by nature.

" Come rouse, &c. &c."

Mr. Erskine. If the Jury will look at the back of it, they will see this song was sent in a letter to Mr. Hardy by somebody or other.

John Thomson (sworn).

Examined by *Mr. Attorney General.*

Q. Did you find any thing in the possession of a person of the name of Hillier ?

A. I did.

Q. When ?

A. On Monday the 19th of May.

Q. Produce it.

[*The witness produced a pike, with a blade two feet two inches long.*]

William Camage (called in again).

Examined by *Mr. Attorney General.*

Q. You told us yesterday that you were at Edinburgh when the Scotch Convention sat and was dispersed ?

A. Yes.

Q. You knew Maurice Margarot, did not you ?

A. Yes,

A. Yes, I saw him in the Tolbooth, in Edinburgh.

Q. Did you ever see any knife in his hand?

A. I saw one laid upon the table, which Margarot said was his.

Q. Describe that knife.

A. It appeared to be a knife that opened with a spring between the haft and the blade: the knife and blade altogether was nine or ten inches long.

Q. Was it easy or difficult to shut when it was once opened?

A. It was very hard to shut; I could not shut it myself.

William Camage,

Cross-examined by *Mr. Erskine.*

Q. Are you a Sheffield man?

A. Yes.

Q. Had you ever seen any knife of this description?

A. No.

Q. Had any body else a knife of this sort?

A. No.

Q. Was any thing said about it at this time?

A. No.

Q. Was it concealed?

A. No, it was laid for him to get his dinner with.

Q. Then Margarot did not make any secret of this knife?

A. No.

Q. How many people were present in all?

A. There might be about six or seven.

Q. Did it strike you at the time that there was any thing wrong in it?

A. No, I did not apprehend any thing of danger in the knife when I saw it, only it was a curious knife, and he shewed it to me upon the table.

Q. Publicly?

A. Yes.

Q. Are you a cutler?

A. No, an ink-stand maker.

Q. Was this at the time the Convention was holding at Edinburgh?

A. No, afterwards; he was then in the Tolbooth.

Q. And he ate his dinner with it?

A. Yes.

George Lynam (sworn).

Examined by Mr. Bower.

Q. Were you at any time a Member of the London Corresponding Society?

A. Yes.

Q. At what time did you become a member of the London Corresponding Society?

A. In October, 1792.

Q. Where did you first see any division of the London Corresponding Society?

A. At the sign of the Mansion-house, opposite to the Mansion-house.

Q. Which of the divisions of the London Corresponding Society met at that house?

A. The division No. 12.

Q. When you went first into the room, did you receive any paper of any kind?

A. Yes.

Q. What was the paper you received upon going into the room?

A. It was the Rules of the London Corresponding Society, and the London Corresponding Society's Address.

Q. Address, of what date? Is it an address to the members, or to the nation, or what?

A. It was the Society's Resolutions, and Address to the Public at large.

Lord Chief Justice Eyre. What date has that address?

A. I do not immediately recollect; but if one was handed to me, I could recognise it; but I think it is in March, 1792.

Q. Is this one of the papers?

A. It is a larger pamphlet than that.

Q. Upon receiving that paper, did you give any intimation of any kind to the master of the house?

A. Yes;

A. Yes; I told him I believed it was a society —

Q. In fact you intimated, that there would be danger there, then in consequence of some intimation, no matter what, that you gave to the master of the house. Was that division of the society adjourned to any other place?

A. It was adjourned the next evening to the Crown, in Newgate-street.

Q. Did you attend at that meeting?

A. I did.

Q. Was it there that you were accepted a member?

A. It was.

Q. Did you become a member of that division that night?

A. I did.

Q. Was the prisoner, Hardy, a member of the same division of the London Corresponding Society that you were admitted a member of?

A. No, he was not; he did not belong to that division, but he belonged to the society.

Q. Were you present at any time afterwards at any other division?

A. I was.

Q. Where was that, and what was the number of the division?

A. I beg leave to look at my minutes that I made from time to time.

Q. Did you make these minutes at the times to which they respectively refer?

A. Yes, I did.

Q. Then you may refresh your memory by them. What was the next meeting at which you were present?

A. The next meeting I attended was at the sign of the Unicorn, in Covent Garden, on the 29th of October.

Q. How many persons might be present at that meeting?

A. I cannot exactly say; but there was a very large company; the room was full; there might be about seventy or eighty people.

Q. Was the prisoner at the bar one of them?

A. Yes.

Q. In

Q. In what character did the prisoner appear there?

A. As secretary, I understood.

Q. Who were the delegates at that meeting?

A. Being a young member at that time, I had not made myself informed of the names of the delegates, nor the number of the divisions:

Lord Chief Justice Eyre. Was this a committee of delegates?

A. This was a meeting of the Division, No. 2.

Mr. Bower. Did Mr. Hardy, while you was there, take any part and what? were any reports made by any body?

A. There was brought forward at that time Tom Paine's Address to the French People, and it was voted to be published and delivered to all the divisions.

Q. Was any thing more said or done at that meeting?

A. Yes.

Q. By whom?

A. I don't know that.

Q. What was done next?

A. Tom Paine's Letter to the People of France, already published, to be delivered out, and the Rights and Duties of Man to be continued weekly.

Q. Are these minutes of resolutions that were passed that night?

A. Yes; the delegates had received letters from the Manchester and Sheffield Societies, approving of the London Corresponding Society's Address to the French Convention—Reported that two thousand and upwards had signed it at Norwich—The Crown and Anchor approve of it, but would send one of their own thinking; the more addresses that were sent to the Convention the better.

Q. Who were present besides the prisoner?

A. A great many.

Q. Who communicated the letter from the Manchester Society?

A. The mode of conducting the divisions is thus: the delegate of the division attends the business that has been transacted

at

at the Committee of Delegates, and he makes a report of what letters and what resolutions were brought forward and agreed to.

Q. That was the mode of doing the business?

A. Yes.

Q. Was there any thing more passed at that meeting?

A. That seems to be all that I have made any memorandum of.

Q. Do you recollect any thing more, or do you not?

A. That is all I recollect at that meeting.

Q. Who made that report that you have been speaking of at the last meeting?

A. I cannot charge my recollection who it was, and therefore I would not speak. The next meeting was of the division, No. 12, at the Crown, in Newgate-street, on the 31st of October.

Q. Who was present at that meeting?

A. Mr. Hardy was not present.

Q. What was done at that meeting?

A. At that meeting the Address to the French Convention was reported by the delegate that was brought forward on the 27th of September at the Unicorn.

Q. Did any thing more pass there?

A. I have made a remark of nothing more than that, I fancy there was nothing of any consequence. The next meeting was at the Rainbow, in Fleet-street, on the 2d of November.

Lord Chief Justice Eyre. What division was that?

A. I have not got the number of the division, and I do not immediately recollect it.

Lord Chief Justice Eyre. It was not your own division, No. 12?

A. No, number 12 was the division I entered into; it was not that, but another division; to the best of my recollection it was No. 11.

Mr. Bower. Did any thing material pass at that meeting?

A. The delegate reported, that the Company at Stockport had wrote to Sheffield of their approbation of the different meetings. The Editor of the Sheffield Paper wrote to the delegates, that it would

would be a good plan to send London delegates down to teach the farmers politics. A letter from a Meeting just formed at Nottingham, addressed to the delegates—I am inclined to think that letter was not read. The next report was, that there were six honorary members admitted at the Crown and Anchor.

Q. Admitted to the Constitutional Society, do you mean?

A. Yes; that is the whole of that meeting. The next, division No. 12, at the Crown, Newgate-street, November the 14th.

Mr. Bower. I will prove by the paper in my hand, that Mr. Hardy was the delegate of division, No. 2; because your Lordships will have a good deal of evidence of what passed in the division of which he was a delegate.

Lord Chief Justice Eyre. You said you did not know who was the delegate?

A. I will not take upon myself to be certain, but believe I should be right if I said that Mr. Hardy was delegate at that time, for that division.

Mr. Lauzun (called again.)

Mr. Bower. Did you find that paper (*showing it to the witnesses*) among Mr. Hardy's papers?

A. I found it in Mr. Hardy's house.

Alexander Grant. I believe that is Mr. Hardy's hand-writing.

(It was read.)

" London Corresponding Society, at the Unicorn, Covent-Garden, Monday, October 1, 1792.

" Resolved, That Thomas Hardy, division No. II. be appointed our delegate to the standing committee of the several divisions, and to continue in office for three months.

(Signed) " ALEXANDER LOWRIE, Chairman."

Indorsed, " Division No. II. delegate,

" Thomas Hardy.

" Number of members, 120."

Mr. Bower, to Lynam. Whether the person who made the report at that meeting, on the 29th of October, at the Unicorn, was the delegate?

A. Surely

A. Surely so.

Mr. Bower. Now go on from where you left off.

Lynam. The next meeting was at the Crown, in Newgate-street, on the 14th of November.

Q. What passed at that meeting?

A. Nothing material I fancy; I have no minute of any thing.

Q. Pass on to the next.

A. I return back again here to a meeting at the Unicorn, November 12th.

Q. Of division No. 2.?

A. Yes.

Q. What passed at that division?

A. There was read a letter, written by Mr. Barlow—his Address to the Convention, very inflammatory, and there were very loud plaudits at the reading.

Q. Who made the report that night?

A. The delegate reports, the report is always made by the delegate.

Lord Chief Justice Eyre. Was that a letter addressed to the division, or communicated by the delegate as coming from the committee of delegates?

A. As coming from the committee of delegates, and it was Barlow's letter addressed to the Convention of France. The next is a report by somebody to the meeting, that the London Corresponding Society in London, in number, was six thousand; that the division, No. 14, meeting at Spitalfields, was increased, and would soon be equal in number to all the rest of the divisions of the society. The first meeting of the London Corresponding Society, I was informed, was at Mr. Robert Boyd's, No. 11, Exeter-street, and that he had the first resolutions of the society; I was shewn one, dated the 2d of April, 1792:—A letter from Major Johnson, of Edinburgh; he does not approve of the Address to the Convention, but was framing a paper to inform the public on politics, and would send one soon to the society.

Q. How was that letter conveyed; was that to the division, No. 2. at the Unicorn?

A. Yes; the London Corresponding Society's Address re-

ceived by the National Convention, and ordered to be published and sent to the eighty-three departments.

Q. Is that a report of what had been done in France?

A. A report by the delegate, of their Address to the National Convention of France being received, and that by the Convention it was ordered to be published and sent to the eighty-three departments in France:—The society at Sheffield sent up their Address to the Convention to the delegates, who had forwarded it; that is the whole at that meeting.

Q. Had sent up their Address to the committee of delegates?

A. Yes, and they had forwarded it to the Convention.

Q. Is that the whole of the minutes you have of what passed at that time?

A. It is. The next meeting was at the Crown, in Newgate-street, No. 21, division No. 12: It was at this division mentioned, that there was a talk of a Congress to be held in Scotland. The next thing that was done, was to read Judge Ashurst's Charge to the Grand Jury. Reported, that a society at Norwich wanted to know, if we meant to come into the Duke of Richmond's plan, or to rip up Monarchy; they suspected that this was to draw them into some ungarded expressions, and declined answering. Reported, that the delegates had wrote to the society at Sheffield, and at Edinburgh. The next is, the branching off of the new division, from No. 12; the branching off was on the 21st of November, and this new division took No. 23, and met at the Ship in Moorfields, on the 27th of November.

Q. Were you a delegate of the new division, or did you continue in the old one?

A. I was chosen delegate of this first meeting on the 27th of November; it was recommended to inform the public that we were not levellers, and it was recommended to avoid riot or resistance to the laws.

Lord Chief Justice Eyre. Were the reasons for that recommendation stated?

A. There was, at the time, but I did not make any memorandum of it, but it was on account of the magistrates interfering with their meetings, and some of the publicans had been threatened

ened to have their licences taken away; in consequence of that, this was a recommendation of the division.

Lord Chief Justice Eyre. Was this a recommendation to you from the committee of delegates, reported by your delegate?

A. It was a conversation—it was a recommendation of the division that it should be carried by me to the committee of delegates. Reported, that in Edinburgh, the first characters belonged to the cause, had formed themselves into a society, and called themselves a Convention of Delegates, and it was resolved to subscribe for the defence of any prosecuted member and his family.

Lord Chief Justice Eyre. You do not mean a regular report, but that this was conversation?

A. It was conversation. The next remark that I have got, is—a meeting of delegates at the Sun, in Windmill-street, on the 29th of November; it was agreed to change the house weekly.

Q. Was you present at a meeting of the delegates that day?

A. Yes, there were twenty-two delegates met.

Q. Was any paper, or any proposal brought forward there?

A. The division, No. 11, had received twenty visitors from Islington; a society was intended to be formed there.—The Sub-Committee brought forward their answer to the Crown and Anchor, but it was referred back again to that Sub-Committee.

Q. What Crown and Anchor declaration was that referred to?

A. The meeting of Delegates must have had a letter from the Constitutional Society, which must have been read, and answered before I became a Delegate; so that what it was I cannot tell.

Mr. Bower. When you talk of the Crown and Anchor, do you mean the Society for Constitutional Information at the Crown and Anchor?

A. Yes;—there was one presented by Counsellor Vaughan, a visitor from the Constitutional Society; he offering an answer, it was read and approved with some alterations; there were some parts of it that were objected to, and these words were—

Lord Chief Justice Eyre. Was Counsellor Vaughan present?

A. Yes; he was a visitor from the Constitutional Society; the

address that he brought forward was approved with some alterations, a part of the alteration was "*die in the cause.*"

Q. Putting in or taking out those words?

A. Both.

Lord Chief Justice Eyre. Did you mean that you struck out, or added those words?

A. Struck them out;—but, however, there was something there said in justification of those words, by something that passed in Cromwell's time, about a brewer being made a Colonel.—It was agreed that this should be put in the Sunday's Paper if possible, and five hundred large bills printed and stuck up about the town, that we are not levellers, and one to be sent to each division.—Mr. Vaughan most strongly recommended good order and peaceable conduct.

Mr. Bower. You say you do not know what the paper was to which this was an answer, or where it came from?

A. I did not see that; but this answer, that was read that night and approved of, was brought forward by Counsellor Vaughan, and these words were erased out, but were attempted to be justified.

Q. Do you know from what society at the Crown and Anchor that came?

A. The Constitutional Society.

Q. It was an answer to something received before you was a Member?

A. Yes;—if our funds were low the Constitutional Society would print for us?

Q. Who said that?

A. Mr. Vaughan said that, it was then reported that many enemies to the society had endeavoured to get into the society.—At this meeting it was reported that five divisions had been scouted, that is prevented meeting at the places where they usually had met.—Maurice Margarot made a motion to write to Mr. Pitt and the Attorney General, that if our meetings were illegal he would surrender himself;—this was over-ruled, and it was agreed to support all prosecuted members, and recommended to all the divisions.—

Mr. Erskine.

Mr. Erskine. You wrote this down at the time?

A. Yes.

Mr. Bower. Did you receive that note from the prisoner Hardy? (*showing a paper to the witness*).

A. Yes, I did.

(*The paper read*).

December 4, 1792.

" Citizen Lynam, you are requested to meet the Special Committee this evening, at seven o'clock, at the Nag's-head, Orange-street, Leicester-Fields.

" I am your fellow citizen,

" THOMAS HARDY.

" Please to inform any of the Delegates near you, that you know, but no one else."

" Addressed to Mr. Lynam, No. 31, Walbrook."

Q. Did you in consequence of this notice go to the place where that note required you to go?

A. I did; but have no memorandum of any thing that passed?

Q. Have you any recollection of what passed?

A. I have not.

Q. Was you present at a meeting of any of the divisions, upon the 11th of December.

A. Yes?—Division No. 23, December the 11th.

Q. At what place.

A. I fancy it was at the Brown-Bear, in Moorfields, but I have not got it down.

Q. What passed at that meeting?

A. It was reported at that meeting that the London Corresponding Society's rules were introduced among the soldiers?

Q. Have you read as far as you have taken minutes of the 11th of December, at the Brown-Bear, in Moorfields?

A. There were no new members admitted.

Q. Was any thing material done there?

A. It was reported that Colonel Dalrymple, of Edinburgh, was determined to have a Parliamentary Reform;—it was reported, likewise, that the Irish were scouted, as we had been; that they

had applied to the Council, who had declared their meeting to be legal.

Q. To the Council?

A. Yes.

Q. Was it explained what Council?

A. The Privy Council in Dublin.—A motion was then made that as the finances of the divisions are low, as they cannot print the address, the divisions are recommended to subscribe.—Three members of this division declared, at that time, that they would stick them up about the town.

Q. What address was it that they were then talking about?

A. I fancy that must have been the address to the Constitutional Society, but I have not got the memorandum, whether it was that, or what it was?

Q. Was it the address that was produced by Mr. Vaughan?

A. I rather think it was.—There was a report here, that Baxter who was a delegate of the division, No. 16, was at the meeting at Shoreditch Church, that he opposed the meeting, and that he was laid hold of; and that in consequence of that, seeing he could not resist, he put his hand into his pocket, and pulled out many of the society's addresses, and threw them with a good deal of exultation among the people assembled there, and he complained that he was very ill used, his coat torn, and he struck several times in the church-yard.

Q. What meeting was that?

A. That was at Shoreditch Church.

Q. What time are you got to now?

A. The 11th of December.

Q. Do you know what that meeting was for?

A. It was a meeting to support the Constitution of the Country.

Q. Now come to the 13th of December?

A. The next meeting was at Round-court, in the Strand, on the 13th of December; that was a meeting of the delegates.

Q. How many delegates were at that meeting?

A. Eighteen.

Q. Was the prisoner there?

A. He

A. He was there.

Q. What passed at that meeting?

A. It was there reported that the magistrates were after Littlejohn, and that he is now going to Scotland.—That has nothing at all to do with it, that is not of any consequence—a Mr. Field was chosen assistant secretary.—A motion from the division No. 4, that a letter should be wrote to the Common Council of London, to be wrote by the secretary, to whom it was referred.—Mr. Ridgeway was to publish Mr. Margarot's letter to the Secretary of State, and the receipt from the the Post Office; that receipt from the Post Office was to be taken in my name, and in Mr. Field, and Mr. Bell's names.

Q. What letter are you now speaking of?

A. Mr. Margarot's letter to Mr. Secretary Dundas.

Lord Chief Justice Eyre. What was that about the receipt from the Post Office?

A. It was directed that the letter should be carried to the Post Office by myself, Mr. Field, and Mr. Bell.

Lord Chief Justice Eyre. What letter was to be carried to the Post Office.

A. Mr. Margarot's letter to Mr. Secretary Dundas.

Mr. Bower. Were you to take a receipt there to shew you had carried it there?

A. Yes; if Mr. Bell had any objection to have his name in the receipt, the receipt was then to be in the name of three of the delegates of the London Corresponding Society.

Q. Is that a copy of Mr. Margarot's letter to Mr. Dundas?

(*Shewing it to the witness.*)

A. This is the letter.

Lord Chief Justice Eyre. Where was Margarot at that time?

A. He was at this meeting.

Mr. Bower. It was put into the General Post Office, though the party was in London at the time?

Lord Chief Justice Eyre. Is that a common thing?

A. It was done at the request of Mr. Margarot, that the society might be satisfied that this letter was sent; and, therefore,

instead of sending it down to Mr. Secretary Dundas's Office, it was determined to put it into the General Post Office, and then there was no doubt but that it would go safe.

(The letter read.)

" London, 4th December, 1792,

" No. 10, High-street, Marybone,

" Sir,

" Honoured with, and happy in the confidence of a number of my countrymen, I have their request to transmit *officially* to his Majesty's Ministers, two addresses joined in one, and containing together the reasons why we have associated for a Parliamentary Reform, and the legal and peaceable methods by which we hope to maintain it.

" So sanctioned, I must also inform you that this letter, and these addresses, equally speak the sentiments of some thousands of industrious citizens, in this capital; and of a far greater number dispersed throughout the island, there not being a single corner of it (Rotten Boroughs, excepted) but cries aloud for *Reform*.

" Confiding in the justice of our claim, in the merits of our peaceable demeanour, and our ready obedience to all the laws of our country, we imagine ourselves clear from all charge or imputation of sedition, rebellion, conspiracy or treason; and that in pursuing what no one can deny to be our *right*, we are entitled to every protection and support of Government.— I therefore, in behalf of my fellow citizens, this day call upon the King's Ministers to protect and uphold us in the pursuit of our *constitutional* rights; and require, that in future, our lawful and well regulated assemblies, may be no more disturbed or interrupted by the saucy interference of usurped authority, by men unnamed, working with threats upon the fears of uninformed publicans, and boasting of *SECRET* orders and warrants—as though Britain was fallen under a Despotic Government, and liable to be ruled, not by laws, but by proclamations, and to be subservient to ministerial dictates,

" written

“ written on a drum head, and proclaimed by the mouth of the
“ cannon.

“ Equally known by his activity as by his knowledge of the
“ laws, an honest magistrate, whose *spies* had well informed him
“ of the nature of our meetings, has acknowledged that they
“ were *peaceable*, innocent, and CONSTITUTIONAL, and further
“ admits the necessity of a Reform:—at your hands, Sir, I
“ therefore, demand justice and protection for the society against
“ all ruffians, who, let loose on the public, have dared, or shall
“ henceforward dare, like the satellites of ancient sanguinary
“ tyrants, assume to themselves the double office of making laws
“ and executing them. Certain that such an iniquitous system
“ cannot originate in a British Cabinet, we exclaim, may per-
“ dition light equally upon such vile miscreants, and upon their
“ employers!

“ Were we, according to the hackneyed custom, to recur to
“ precedents, we should say, that Mr. Pitt, and the Duke of
“ Richmond have, themselves, traced out the path which we
“ now pursue, that they themselves have asserted the rights of
“ Britons, to a fair, equal, and adequate Representation in Parlia-
“ ment—that they, themselves, had invited us to associate and
“ discuss our rights; and we might add, that in so doing, they
“ spoke, they acted like honest men—they were not then in
“ office,

“ But the *Rights of the People* being ever the same, such
“ precedents and such supporters are superfluous. However, as
“ things seen through the medium of power, have a very diffe-
“ rent aspect from what they were, when those worthy gentlemen
“ were on the other side of the question, it is not altogether im-
“ probable that severities may be had recourse to, to quell that
“ desire for *reform* which they, themselves, have raised.—Should
“ that be the case, I beg it as a favour, or rather, being in the
“ foremost rank, claim it as my right, that the attack may com-
“ mence upon me. Whenever extraordinary measures may
“ be adopted, I earnestly wish to be the first of the society in
“ feeling the effects of them, and shall deem it not a proud, but
“ an

" an honourable day, in which I shall be called upon to plead
" the cause of my fellow citizens against oppression.

" Claiming protection, I have a right to your answer, either
" to refuse or to grant it—in either case it shall be made public—
" as shall also your silence, should you not attend to this letter,
" expressing the request of many thousand citizens. Our
" country shall then judge us both.

" I am, Sir,

" Your very humble servant,

" MAURICE MARGAROT, Chairman
" to the Committee of Delegates of the London
" Corresponding Society, united with a view of
" obtaining a *thorough* Parliamentary Reform.

" The Honourable Henry Dundas, Secretary of State for the
" Home Department, &c.

" Delivery at the General Post Office.

" Witnessed 5th December, 1792."

Q. This was directed to be printed?

A. Yes.

Q. And this was one of the copies that were printed?

A. Yes; a motion was then made to recommend to the committee to consider the case of all members being prosecuted, to be supported by every division, and a committee was formed for that purpose.—Division, No. 1, recommended, that it be represented to the public that confusion may be expected, but that if riots ensue our societies will aid the magistrates, and that copies be sent to the magistrates; but take care that we say that there is not the least disposition appears of committing any riot, and that we will persevere in a Parliamentary Reform. If the prosecuted person is found not to have been rash in words or in violence, a proper person to protect by the society.

Lord Chief Justice Eyre. What was done upon this?

A. I do not know that there was any thing done, there were many things agitated in the committee.

Lord Chief Justice Eyre. This was a recommendation from
the

the division to the committee—what did the committee do upon it?

A. It was approved of in the committee, but I do not recollect that there was any thing done by the committee in consequence of that recommendation.

Lord Chief Justice Eyre. Have you any memorandum of its having been approved?

A. It was approved of, if it had not been approved I should have made a memorandum at the time.

Lord Chief Justice Eyre. You know if it was carried into execution there would have been copies to be sent to the magistrates; was there any direction that copies should be sent to the magistrates?

A. There was not. The delegate of Division, No. 2, desires to bring forward the cards in red print, and to be oval.

One of the Jury. What are they?

Mr. Bower. The new tickets.

Eynam. Each member to give up his old ticket, or to be admitted again anew, paying up his quarterage, and to allow no member but what pays up to the quarter—to be binding to all the divisions—not to be allowed tickets till the quarterage be paid up—received two letters, one from Norwich, signed Cozens, secretary, saying, That there were meetings held there as well as at other places to support Government; and they ask in that letter whether the London Corresponding Society signed at those meetings for the support of Government; it was directed by Mr. Margarot that this letter should not be taken notice of to any of the divisions.

Q. Sign what?

A. Sign to the support of Government.

Lord Chief Justice Eyre. Was it resolved that it should not be communicated to the different meetings.

A. It was upon Margarot's proposition. Then there was a letter dated the 15th from Paisley, that they were willing to correspond with us—twelve societies formed in August for a Parliamentary Reform. Then there was a letter from Edinburgh, of the 11th of December, to call a convention of all Scotland,

Scotland, to be of the same opinion; the title of that society was, "The Friends of the People." Archibald East Hodge, president; W. Reed, secretary.

Lord Chief Justice Eyre. Is this the society that wrote the letter.

A. Yes; it was recommended by several delegates to correspond with the Friends of the People, at Freemason's Tavern; their letter saying, that they would be very glad to correspond with them as they are in the same way of Parliamentary Reform; wrote by Margarot to Mr. Stuart, No. 15, Frith-street, Soho. The next is a division meeting, No. 33, Crown-street, the 18th of December; nothing passed there. The next meeting is the 20th of December, No. 31, Compton-street, a meeting of delegates.

Mr. Bower. How many attended?

A. Eighteen delegates met.

Q. Was the prisoner there?

A. He was; two members deputed from the Constitutional Whigs to know if the London Corresponding Society would address the Friends of the People, Baxter recommended to take his case into consideration, he being prosecuted for his resistance at the meeting at Shoreditch Church. Division No. 12, recommended to petition parliament before Mr. Grey brings in his bill for a Parliamentary Reform,

Q. Was Baxter supported?

A. He was not, but his matter was brought forward afterwards; enquiry was made, whether we corresponded with the societies formed at Ipswich and at Woodbridge, the answer was, no. Mr. Martin recommended not to publish any thing, the times won't do; he says that you cannot oppose the Treasury. Then Baxter brought forward a motion from his Division, No. 16, for the delegates to consult and to determine whether they will sign the Crown and Anchor address—it was determined to be left to the discretion of each individual, but it was recommended to avoid signing it if possible.

Lord Chief Justice Eyre. Do you know what address that was?

A. It

A. It was the society at which Mr. Reeves presided. There was an answer sent to Cozins of the Norwich society, by Mr. Margarot, that we will not sign any of the meetings, and desired them to find out some way of communication; they sent a reply, that they had sent five guineas in order to have Mr. Fox's speech sent down by the Expedition.

Mr. Erskine. What speech?

A. In the House of Commons.

Mr. Erskine. Upon what occasion?

A. On a Parliamentary Reform, and to send them by the Expedition. They are to publish some hand bills, and shew that they are not disheartened, and are determined not to sign but persevere. Five hundred copies of Mr. Fox's speech; fifty of Margarot's letter to Dundas; fifty of John Bull to Thomas Bull were sent down. A motion was made by Division 16, that each division present a ticket gratis, to any soldier that will be agreeable to enter, but caution them at the same time when they were admitted of the danger—this was not agreed upon, but referred for a week.

Mr. Bower. Is that of the same date, the 20th of December?

A. Yes. A motion from Division, No. 24, That it is the opinion of this society, that this society do publish our determination, and our readiness to assist the magistrates, and that we would persevere in a Parliamentary Reform—agreed that Margarot do draw it up against the next meeting. There came forward a petition from William Carter, who was employed to stick those bills up, that he had lost a place of twelve shillings a week.

2. Do any directions appear to be given in consequence of that?

A. He says he was confined three days and two nights, but Martin says only one day.

Mr. Bower. You have omitted there something respecting Carter, look back to your minute of the 20th of December?

A. No, I have not—it was referred for a month. Martin was employed for the defence of William Carter, and there was a subscription

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subscription then made for that defence; at that time Division, No. 12, subscribed a guinea and a half; No. 18, fifteen shillings; No. 11, five shillings. There was an intimation at that time that Ridgeway would publish any thing the society should send to him—he mentioned the Duke of Richmond's letter, and said that he would print that or any thing they sent.

Q. Information from whom?

A. Some one of the delegates. Baxter's business was brought forward again; Martin informed him that his recognizance was not entered at Hick's Hall; he was ordered to withdraw his recognizance himself, and then he could not be held himself again to bail in that action, but there was not any thing done in that; it was then said that Mr. Fox had gone as far as we can expect, but we do not look upon him to be more honest than others, and think he has been forced to avow himself so strongly in the house, and it is necessary to have a head.

Q. Necessary to have a head for what?

A. To the plan that was carrying on—it alluded to the whole.

Mr. Erskine. Have you any note of that last observation—who made the last observation?

A. Margarot. Gay, a printer, belongs to the society, but he denies it; he employed William Carter to stick up the large bills in the morning, instead of the evening, which was the reason why he was taken up—this was reported at that time by Martin. The next is No. 31, Compton-street, 27th of December, a meeting of delegates.

Q. Was the prisoner present?

A. He was present. It was then recommended that each delegate take the opinion of each division of the propriety of admitting soldiers, and upon what terms.

One of the Jury. Was this a meeting of delegates?

A. Yes—The next meeting was a meeting of delegates, No. 31, Compton-street, on the 3d of January, 1793: Margarot, chose president; Hardy, secretary; Field, sub-secretary.

Q. Was any thing done there?

A. It was proposed that each member should pay a penny each

each night if he introduced a visitor, to pay at the division he attends, and then to be discharged, paying at his own division.

Mr. Durant, a stranger, acquainted us of Thomson's distress.

Q. Who was Thomson?

A. A man that lived by Coventry-street, I forget the name of the place; he was gone off to France at that time, I think.

Q. His distress upon what occasion?

A. The wife's distress, in consequence of his being obliged to leave London, being one belonging to this society, a very violent man, and he was therefore sought after; it was represented that the rent was not paid, and that she was quite distressed with three children, Thomson gone to France, the rent owing, nine guineas—Mr. Harvey, an attorney of the Temple, her friend—Sixteen delegates met, and collected in the whole 12s. 6d. for her, and it was to be recommended to each division, but as a body they do not assist any body—There was a motion came forward then, for a declaration to the public, but objected to by two divisions, saying, power supercedes the laws, or, as it suits them, leaves those laws dormant—rather have a Constitution without a King than a King without a Constitution.

Q. A declaration of what?

A. I have not got it down here, and I do not recollect what it was; it was some declaration to the public—rather have a Constitution without a King than a King without a Constitution:—This we say, if reduced to be republicans.

Lord Chief Justice Eyre. Who proposed to publish that declaration?

A. This was a matter that was brought forward by some one of the delegates at the meeting, upon every thing of that sort that was proposed, the opinion was taken of every delegate, one after another, and in the course of taking that opinion, there were two of the divisions, or two of those delegates, that objected to it.

Lord Chief Justice Eyre. Did that stop it?

A. I do not think any thing was done in it.

Lord Chief Justice Eyre. Was it according to the course of the business, that if two divisions objected, the measure was stopped for the time?

A. No, only by the majority—Mr. Margarot then reported, that we had had no letters for two months, except one he had received that day, but the seal was opened and it was sealed again; it was then mentioned there were five delegates from the Roman Catholics, that they were of the same meaning with us, and it was agreed to try and see if we could not settle a correspondence with them.

Mr. Bower. Five delegates present that day?

A. No—it was reported that they were in London, Irish Roman Catholics.

Q. Delegates from Ireland?

A. Yes, then in London—The next is a meeting of the division No. 23, January 8; I have it down here, that the declaration, which is, I suppose, the declaration mentioned before; that division met at No. 33, Crown-street, Moorfields.

Q. Was the prisoner there?

A. No; I have got down here, that the declaration; it is the opinion of this division that it should be rejected—it was agreed, likewise, not to address the King at all.

Q. Is that a declaration of the principles of the society?

A. The declaration mentioned in the last meeting, I cannot tell what it was; it was said that Mr. Grey would not bring forward his motion for a Reform, unless petitions were sent to Parliament; agreed to petition Parliament by all means, and not to address them.

Mr. Erskine. Repeat that.

A. Unless the several societies petitioned.

Lord Chief Justice Eyre. And they agreed to petition by all means?

A. Yes—The next is a meeting of the 10th of January 1793, at No. 31, Old Compton-street, seventeen delegates attended; the declaration was ordered to lie upon the table; then it was agreed upon, that no written papers should come to a meeting of delegates but by a delegate, or through the treasurer or secretary; carried unanimously.

Mr. Bower. Was Mr. Hardy there?

A. Yes; I do not remember Hardy being absent one night;

Mr.

Mr. Margarot then reported, that the country correspondence did not shine.

Q. What do you mean by shining?

A. That there were but very few letters—He reported that he had sent a letter to the Friends of the People at Free-Mason's Tavern; the answer was read on the 15th of December, accepting our correspondence, that a Reform by perseverance will be obtained.

Q. That is the answer from Free-Masons Tavern?

A. Yes; and that they revered the Constitution for protecting persons and property, and recommending us to be careful not to mix foreign politics with home politics, and to avoid foreign correspondence, by which means they would prevent the imputation of levellers, and would prove that we are otherwise inclined; signed, D. Stuart, secretary, No. 52, Queen-street, Dean-street: It was then remarked that this society never had brought forward their principles, and it was determined not to correspond with them; Mr. Bell, one of the delegates, in consequence of the remarks that were made upon this letter, made this observation:—Our addresses to the Convention of France, prove, that we mean their laws here.

Q. Was that assented to or dissented from, or what was the conduct of the committee upon it?

A. It was not objected to; it was approved by all the meeting.

Q. Recollect whether any person present made any observation upon that?

A. Mr. Margarot said, no doubt; but there was not any body else that objected to it, it passed with the silent assent of the rest of the company.

Q. Did Mr. Margarot say any thing else as to what should be the conduct of the society?

A. At that time they were under a good deal of difficulty, being disturbed in their meetings, and a vast deal of very strong language had been held both then and at former times, and afterwards too.

Q. You do not recollect whether he said any thing more than that?

A. Not particularly; it was observed by some one of the delegates, that Mr. Pitt's plan to add a hundred members to the House of Commons would not do, for that would still give them more advantage, and keep us from a proper Reform; Mr. Gerald then said, he knew a person of the name of Dolon, who was secretary, and one of the Irish delegates too, and that he was gone off to Ireland; that he knows his address; he explained to him our endeavours, of which he approved, and he proposed to correspond with him; he said the Catholics had succeeded entirely; Bell had a friend that he knew, whose name was Devereux, one of the delegates, and he agreed to correspond by the post—however, that was said to be dangerous, as no letters go through the post-office—That is the whole of that meeting. The next is the 14th of January at Mr. Hardy's—Mr. Hardy had sent fifty of our addresses, and twelve of Keirfant's speeches.

Q. Keirfant's speech where?

A. In the French Convention.

Q. Who told you Mr. Hardy had sent them?

A. He said himself that he had sent fifty of our addresses, and twelve of Keirfant's speech in the French Convention, to different correspondents in the country.

Q. When you speak of addresses, what do you mean?

A. I mean of the original address of the society.

Lord Chief Justice Eyre. This was a conversation at the prisoner's.

A. Yes, I called upon him; this I had from him at his own house in conversation. The next is a meeting of delegates on the 17th of January.

Q. How many attended?

A. I fancy I shall come to it afterwards.

Q. Where was that meeting?

A. At No. 31, Compton-street; it was then reported, that nineteen of the divisions were kept up at that time; it was then agreed upon to debate, and to consider whether or no the age of eighteen or twenty-one was the most proper age for allowing of voting for a member of Parliament, and one reason given why eighteen was the proper time of life to have a vote, was, it was

mentioned that they were liable at the age of eighteen to be militiamen---A motion was made by the Delegate of Division 18, to appoint a committee and report Carter's case, and his family, and of the money necessary for their support; Division No. 12 recommended to consider of a public meeting to discuss a Parliamentary Reform, but that was referred back again; the Delegate of No. 15 recommended the Society's addresses to be given, five to each member, for the purpose of delivering them out to the public; the Delegate of Division No. 4, made a motion, that the thanks of this Society be conveyed to the Mayor of Glasgow, a Society at Durham, and a Society at Dundee, for uniting with us in our intentions, and that it be recommended to correspond with them; sixteen Delegates met; a petition from Carter presented---he is sentenced to six months imprisonment, to pay a fine, and find sureties; it was a remark of Margarot's, that it was supposed it would be for life; a committee appointed to enquire into the expence of his defence, and the manner *in* which it had been conducted by Martin; a motion then was made, for all the Delegates to meet every Saturday evening for public conversation, paying a-penny each for the room---agreed to, and to be when Carter's business is done; this public conversation was to discuss politics for the purpose of informing themselves of the situation of the then times, and what steps were pursued in the House of Commons. The next is January the 17th.---A letter from Norwich, that they admired our spirited conduct very much---that they wrote to Mr. Grey on the 11th instant, and to the Friends of the People---the Friends of the People propose a mild Reformation---they want to know if they are Friends---that the Societies are numerous, and in the country the magistrates prevent their increase; signed, Blake,---that is, the letter received was signed Blake:--- Benjamin Hobhouse, Esq. at Bath, had formed a Society agreeable to ours; he advised us to point out a conveyance, and he would inform us how they went on---it was agreed to send a letter by the post---if it was not answered, then to send to a Mr. Richards, bookseller, at Bath; then it was recommended to correspond with the Societies at Norwich, through the means of the Bell Society.

Q. What is the Bell Society?

A. Some Society, I believe it was at Norwich:---January 24th, No. 31, Compton-street, there were two gentlemen came with a petition, which was drawn up, as it was supposed, by Mr. Harvey of the Temple---one of them was a Delegate, who formerly had been Delegate for No. 11, saying, Mr. Thompson's house had been searched in the dead of the night---Mrs. Thompson relies upon our support, as promised---it was then determined that no such promise ever had been made to her---she wanted assistance to go to France---Hardy said, he had given her 2l. 15s. 6d. on the 5th instant, and then she thanked him---Martin thought it should be rejected, but it was agreed to---Martin then reported, that he had an ex-officio from the Attorney-General, and he might be as much an object of the support of the Delegates, and of the Divisions, as she; upon Martin's examination, he drew up a long brief, and shewed it to Mr. Vaughan, who had no objection to defend it---afterwards he said it was indelicate to defend it, it being his own writing, and he wished it not to be known---it was recommended to apply to Mr. Erskine, but he declined it---then Mr. Garrow was applied to, he was found averse---then it was recommended to Mr. Fielding, he declined it---then Mr. Warren undertook it---Martin said, that Grant was the sole cause of Carter's punishment, he had got the manuscript of the bill, and he declined looking for it---Martin wanted to see it destroyed---it was then determined that Field, the sub-secretary, should apply to Grant, and if he did not give it up, that he should be expelled the Society, and then he would be expelled as our honorary visitor at the Crown and Anchor-Tavern.

Lord Chief Justice Eyre. What manuscript is that?

A. The manuscript of the bill, which was stuck up by this Carter, which he was imprisoned for: It was mentioned then that Littlejohn, likewise, was an honorary member, and that he would also be expelled; Martin then said, that he had seen Carter, who said that he had got in his pocket that which would do for the Delegates---It was then determined that he should not receive his guinea

guinea a week after this unless he asked pardon, and the manuscript was given up by Grant.

Mr. Bower. Who should not receive a guinea a week?

A. Carter should not receive a guinea a week which he was allowed by the society. Motion from Division 16, to address a letter to the Friends of the Liberty of the Press, for their exertion at the Crown and Anchor, the same people as met there under Constitutional Information. A letter from Norwich to be answered, but it was not read. A letter from Richter, saying he dare not attend us, but that we may depend upon his being a friend: he carried the address to Grant. The Delegates are to meet next Thursday No. 8, Queen-street, Seven-dials. The Delegate of the Division (I think No. 5) is going to France, and he has got some copies of T. Paine's works; he received a letter on Tuesday night from a friend at twelve o'clock, saying, a hint to the wife, you will all be taken up.

Q. Was Hardy present?

A. Yes. The next is a meeting of Delegates on the 31st of January. A motion brought forward by the Delegate of Division No. 16, which was Baxter, wishing that six-pence may be paid only to the society, and the other seven-pence to go towards the expence of their room, it was agreed that this might be a very proper measure to be adopted for poor Divisions; it was particularly remarked that at that time the people round Spitalfields were exceedingly numerous, and supposing that they should come to any open resistance these were Divisions that ought particularly to be encouraged.

Mr. Bower. Repeat that slow.

A. A motion was brought forward by the Delegate for No. 16, Baxter, wishing that six-pence (a quarter, it should be) may be paid only to the society, and the other seven-pence that was paid, to go towards the expence of their room; it was agreed that though this might be very proper in all poor Divisions, it was remarked at that time, and it was assented to by the whole meeting of Delegates, that supposing there should be an opposition, or that the two parties in fact should come to an open declaration, an open rupture, that it was absolutely necessary to give encouragement to

the Divisions meeting in Spitalfields, for that they in general were very poor, and very numerous, and it was very necessary to keep them together. There was a good deal of conversation upon the necessity, and the propriety of it.

Q. Have you all that in your minutes?

A. It is from recollection that I speak this—but this is the meaning of what was agreed upon by all the Delegates that met at that time, but it was particularly first of all mentioned by Baxter.

Lord Chief Justice Eyre. How much of it have you a minute of?

A. I have got no further than that it was agreed by the Delegates that this might be very well in poor Divisions, the other is recollection which I remember perfectly well; I have made a remark before of these Divisions, that they encrease so fast, that they were well satisfied that, in these divisions alone, very shortly they would have as many in number as there were in number in all the other Divisions besides. A motion was made by the Delegate of Division No. 7, that Mr. Law's letter to Mr. Reeves, giving his reason for withdrawing himself from them, be published to shew the infamy of their proceedings, that the society was falling away very fast; but this motion was rejected, and instead of that, to publish extracts from "the war, or who pays the reckoning," deferred the selection for one week. Our letters to the Friends of the People, are directed to Mr. Byng, Chairman of the Committee, they have directed their Secretary to answer it—their answer is to keep from foreign politics, to keep good order, and by petition we may succeed.

One of the Jury. Who is that from?

A. This is only giving an account to whom our letters were directed when they corresponded with the Friends of the People, there is an answer at this time wherein it advises us to keep from all foreign politics, to keep good order, and by petition we may succeed, this was answered by Maurice Margarot, saying we mean to proceed orderly, but you are not explicit.

Q. Did Margarot say any thing, make any observation as to the Committee of Delegates?

A. Yes,

Lord Chief Justice Eyre. Does your minute purport that
that

that reply was produced at this meeting of delegates, that was produced upon that day?

A. I will not be confident of that.

Lord Chief Justice Eyre. Go through your minute and see what it is?

A. It was answered by Maurice Margarot, saying we mean to proceed orderly, but you are not explicit.

Mr. Erskine. Do you mean answered in writing?

A. In writing; there were several letters that were wrote by Margarot himself without being shewn to the Delegates, and after he had wrote them, when he came to the meeting of Delegates he reported that he had wrote such a letter, and he gave the heads of such letter. He said to that society, but you are not explicit, and he requested that they would be more particular; your concurrence will assist us, but we want to know how far you mean to go in the design; then a remark was made that we are very apprehensive of creating a breach between them, as is the case between them and the Constitutional Society; there was a good deal of conversation in consequence of that letter, that the Society of the Friends of the People did not go so far in their idea as the London Corresponding Society, and the Constitutional Society did, for all along it was held as an invariable idea that eventually it must come to a struggle.

Lord Chief Justice Eyre. You are not speaking now from a minute,

A. From my recollection of what was often repeated.

Mr. Bower. Do you recollect Margarot saying any thing after this reply that he had sent to the Friends of the People?

A. Margarot stated that there was a disunion between the Constitutional Society and the Society of the Friends of the People; but I cannot say I recollect exactly what was the reason of it.---There were thirteen Delegates met that night.---A letter from Sheffield of the 16th of January, 1793, signed David Martin President, Horsfall Secretary, recommending a communication with all the Societies in the kingdom, to form a Constitutional Meeting, and all to agree upon the same thing.---asked how far we mean to proceed at this time.---A reform

nugatory, unless universal right is established, and they advise a general petition to the House of Commons, on the present inadequate Representation---they want to know if the Friends of the People are true friends---Margarot says we are getting on too fast again, and that Petition was not the mode.

2. Was that an observation he then made, or your own observation to the Delegates.

A. His observation to the Delegates.---Margarot said, Petition was not the mode; but at the same time it was agreed upon by him and the rest of the Delegates, that petitions should be presented for the sake of keeping the public mind agitated with a reform. It was then recommended that all the Divisions should go to No. 52, in Frith-street, and sign the Address of the Friends of the Liberty of the Press;---that is, every Delegate was to recommend it to his Division, at the next meeting.---In the course of the meeting, Margarot made a remark, that our Address to Mr. Reeves was not liable to any punishment, or he and Mr. Hardy would have been taken up. Margarot said, he meant to invite Sir Sampson Wright to his Division, or any one that he might send to the Divisions, to shew the legality of them; that is, the whole of that Meeting of Delegates. The next that I have is only reports at the Divisions made by Members at different times.---On the 5th of February, in Crown-street; this is---

Lord Chief Justice Eyre. Did you attend no longer as a Delegate?

A. Yes; this is a Meeting of the Division No. 23.---Bambridge read a minute that there are sixty friends to the cause, who decline at present meeting the Society; but they are good friends, and sincerely wish them success; and some of them say, if they want money, they are ready to contribute.---He says, there are certain religious societies in the kingdom, almost in every town, whose sentiments lead them strictly to republicanism; they are numerous in Birmingham, Leeds, Liverpool, Bristol, Manchester, Hull, Derbyshire, and particularly in London. The Society in London are just now beginning to organize themselves agreeable to the principles of France---their meetings are
Mondays

Mondays and Thursdays.---It was then said that Tom Paine's Works had been published in Sweden.---The next meeting was on the 7th of February, of Delegates, No. 8, in Queen-street, Seven Dials.

Q. Was the prisoner there?

A. He was.---At this meeting it was proposed that the surplus of the quarterage of the different Divisions, if there should be any, should go towards paying the deficiency of Baxter's Division, No. 16, for their room. We must preserve the Divisions No. 25 and 16, being poor, they will be of great service if we go to war.---This was an observation from Margarot at that time.

Q. No. 25, and No. 16, were, I understand, the Spitalfields Divisions?

A. They are the two Spitalfields Divisions.

Lord Chief Justice Eyre. Was the expression *war*?

A. Yes.

Lord Chief Justice Eyre. Was there any explanation given of that expression?

A. The explanation that was given was this---it was understood---

Lord Chief Justice Eyre. I did not ask how you understood it, but whether there was any explanation actually given in words, at that time, by any body, of what was meant by *war*?

A. That the Country would rise against the present Government.

Mr. Bower. Who said that?

A. Margarot,

Q. Did Margarot say that the Country would rise against the present Government, or did he use the word *war*, and you understood that he meant by that, rising against the Government of the country?

A. He made use of the term *war*.

Q. And you understood he meant that?

A. Yes; and it was mentioned by several of the Delegates, that it was eventually expected that there would certainly be a rising in the country.

Q. Was

Q. Was there any conversation of that kind at the time when Margarot made use of that expression?

A. Yes; it was taken up and spoke to by several of the Delegates that night.

Mr. Erskine. Have you any note of this?

A. I have not; but I remember it perfectly.—A letter sent to Bath has been gone fourteen days, and no answer.—No letters received this week.—A Sheffield letter of the 16th of January, 1793, by order of the Society for Constitutional Information, conveyed to all Societies, they request to know how far they mean to go—it is their opinion that we should be of one opinion to petition Parliament this season—it will give strength to the cause.—The restoration of the right of election not to be under twenty-one.—by doing this we shall know how far we can support Mr. Grey's motion this season—no time to be lost—Hardy proposes a Delegate from each Division of the Society, to agree how to proceed—Mr. Fox has said in the House, the People have a right to alter the Government when they please—the Scotch have done it, and the Irish.—The London Corresponding Society was first formed to send a Delegate to all the other Societies, to determine the best way of reform.

Lord Chief Justice Eyre. You said that Hardy proposed a Delegate from each Division,

A. That is, to agree how to proceed; that is another thing—next follows Mr. Fox's observation in the House of Commons,

Mr. Bower. Who states that observation of Mr. Fox's?

A. I do not know; it was observed; and the same with regard to this, I do not take upon me to say who particularly said this,

Q. What is meant by first formed?—is it descriptive of what was the intention of the Society when first formed? or what is the meaning of it?

A. It is simply an observation that was made from one of the Delegates, saying, that the principles of the Society first of all—the intention, was, for a reform in Parliament.—The Friends of the People in the Borough yet exist; and it was determined to communicate our letters to them and all other Societies, and enquire

enquire their intentions.---It was then agreed that a circular letter should be sent to all the Societies in London, to meet two or three from each, and come to some determination.---The question to be debated at each Division, was, What is the best way of proceeding?---This is to be done by advertisement in Saturday, Sunday, and Monday's papers, that it will be discussed the next night at each Division, and that there are to be six advertisements---Fifteen Delegates met---It was then determined to write to Sheffield, and to inform them that we will answer them very shortly, how we mean to proceed.---The next is the 14th of February, 1793, Division No. 12, met at Mr. Godfrey's, an Attorney, in Fore-street, and chose him for Delegate; but we rejected him, being Lord George Gordon's Attorney, and agreed to reject all connected with him.

Q. Why did they reject him on that account?

A. They were determined to have nothing at all to do with any person that had any connection with Lord George Gordon; and the Division No. 12, had a person of the name of Watson, supposed to be Secretary to Lord George Gordon, that attended them; and it was intimated that Lord George Gordon was by some means acquainted with what was going on; that he made use of this Watson by way of bringing forward different things; they conceived he would be very troublesome, and that if his name was connected with the Corresponding Society, it would make them disrespectful in the eyes of the public; they then rejected him.---Division No. 12 to meet next Wednesday evening, at the Crown in Newgate-street; but if refused at the Crown, to go to Robins's Coffee-house in Shire-lane, who would take in any of the Divisions.---To be considered next meeting, whether you petition Parliament---that will engage the public attention for the present.

Lord Chief Justice Eyre. Does it appear whether there was any Delegate chosen, or not?

A. There was no further proceeding upon this, than just remarking, that it would be necessary to come to a determination at the next meeting of Delegates, whether it was agreeable to the

the different Divisions to petition Parliament.---This was a meeting of the Delegates.

Lord Chief Justice Eyre. Who was Godfrey rejected by?---by the Delegates, or by his own Division?

A. By the Delegates.---Agreed to demand a conference with the Constitutional Society---they are drawing up the state of the Representation, and are going as far as us.---The Friends of the People don't go so far.---The Borough Society don't go so far.---The Holborn Society say they are for republicanism.

Mr. Bower. What is become of the Holborn Society?

A. It is broke up; and the greatest part of the members have joined the Corresponding Society since.---The Aldgate Society is now called the Bother'em Society---that Society is since broke up.---There are about six Societies in London to confer with.---The Friends of the People have not yet answered our letter.---A letter sent to the Constitutional Whigs at Sheffield, saying, we are about a general conference, and shall write to them.---There are two Societies at Norwich united---the Constitutional Society wrote them to continue, and assured them we are firm, and mean to collect the general opinion.---Three questions for consideration in the Divisions, whether they shall petition the King, or the Parliament, or call a Convention.

Q. Was that contained in your letter to the Society at Norwich.

A. This is what was agreed by the Meeting of the Delegates, to be sent by each Delegate to each Division, to consider what they should do at that time; and it is stated as three questions---first of all, whether you will petition the King, or whether you will petition the Parliament, or whether you will call a Convention, to be submitted to the Delegates. It was remarked that it might be as well to decline coming to any resolution till the whole nation are agreed.---Then Margarot says, neither petition nor remonstrate, it would be unconstitutional---that finishes his observation.---Then it is reported that the Aldgate Society had thanked Mr. Fox for his speech, saying that the People may alter the Constitution without giving their reasons for it---

it---that is the Society that were got together, and called the Bother'em Society.---The next is a meeting of Division No. 23, on the 19th of February, in Crown-street---It was agitated there, upon the question, which was the right age for election, eighteen or twenty-one---there was a great difference of opinion in the meeting---one was for eighteen years, ten for twenty-one, and one for neither, unless householders.---Printed copies of the Petition to Parliament to be distributed amongst the public---that means that they had come to a determination to petition Parliament, not to petition the King, nor to call a Convention.---Field met the Division No. 12, at the Crown in Newgate-street---they were refused meeting---they then went to Godfrey's, and re-chose him a Delegate.---I do not know whether I have mentioned that this was a Delegate Meeting, on the 21st of February, at No. 31, Compton-street---this last matter Godfrey rejected---being re-chose, he insisting on his right of being Delegate, and insisting upon staying in the room, there was no other way of getting rid of him but by adjourning to No. 57, Charles-street, to meet on the Saturday evening.---It was reported that a great number of Delegates were in town from Scotland, upon a reform.---A letter from Southampton, approving of the plan, and want our addressees to form a Society, and wanted us to correspond with them.---A letter to be sent to them by Division No. 28.---The Constitutional Society have adjourned till the 15th of March, supposed to see what Mr. Grey does in Parliament.---Agreed to write to all the Societies, both in town and country, to send a petition to Parliament---no time to be lost---ours to be drawn up immediately; and we are certain that twenty thousand will sign it---if they are all rejected, write to them to continue; and then will be the time for all to unite, and to petition the King.---This is a report likewise---that the Friends of the People approve of Mr. Grey's remonstrance---it is a leading feature.---Reported that the serious stoppages from the Bank's refusing to discount, will assist the cause, from the failures which must follow.

Mr. Erskine. Is that a report, or what somebody said?

A. I mentioned it as a report---it was reported by one of the Dele-

Delegates, at the Meeting of Delegates---not that it came from any of the Divisions.---A letter was read from T. Farley, Esq; upon the illegality of imprisonment for debt, saying, he had been five years writing a treatise on it; and he wants us to subscribe to it---it was agreed that we could not give him that support that we supposed that he wanted; but, however, extracts might be made from that book, so as to be serviceable.---A letter from the Friends of the People, dated 15th of February, in answer to ours of the 1st of February, signed by E. Jeremiah Carter, Chairman, saying, very soon their plan would come forward to reform all the abuses existing.---Mr. Reeves's Society is, unconstitutional, their Society is to create an organ to speak to the Legislature---they will not give up their power of action to any Society---but they say the time of action may not be very distant---this is a letter from the Friends of the People.

Mr. Bower. Where at?

A. I rather think it is from some country correspondence---I have not got down whence it comes---it is signed E. Jeremiah Carter, Chairman.

Q. How is it introduced in your minute? as coming from whom?

A. A letter brought and read.

Q. Where did it come from?

A. From the Friends of the People, signed E. Jeremiah Carter, dated 15th February, in answer to ours of the 1st of February.

Mr. Bower. We have read the letter---he has put it down Carter---it should be Curteis---it is published, folio 63, in Appendix E. of the Report.

Lynam. They will not give up their power of action to any Society; but they say the time of action may not be very distant---it is something to this purport.

Lord Chief Justice Eyre. That is your notion of it---your extract.

A. Yes.

Mr. Bower. Did you hear the letter read?

A. Yes,

A. Yes, it was read.---Answered the Norwich Society, that we think that the Friends of the People are friends to the cause.---Twelve Delegates met:--to write to the Bath Society.---A motion to be debated at each Division, if they gave the Delegates power to reject any Delegate on good reasons.----February 28---Meeting of Delegates, at Mr. Stiff's, No. 58, Paternoster-row.---Motion by Mr. Margarot, that the thanks of the London Corresponding Society be given to Mr. Fox and the Minority of forty-four---the same to Lord Lauderdale, &c. for their opposition to the war.---Agreed to be advertised in the Morning Chronicle, Morning Post, and Ayre's Sunday paper.---It was observed that the war was the Minister's, for the purpose of diverting the minds of the people.---A letter from Sheffield, inclosing their resolutions past on the 13th of February, by order of the Committee.---Resolved by the Society for Constitutional Information at Sheffield, that war is the greatest evil ever introduced to trade---This is my recollection of it, as near as I can recollect, that they return their thanks to Mr. Fox, for his support of the People for many years past, most particularly this Session---to Mr. Erskine, for his defence of the liberty of the press---to Mr. Grey, Mr. Lambton, to Mr. Sheridan, and the Glorious Minority of fifty-two---to the Duke of Norfolk, Lord Stanhope, Lord Lauderdale, &c. and copies to be sent to each, and published in all the papers in town and country.---Agreed to write to Sheffield, that a petition to Parliament won't succeed, yet at this time it will answer a good purpose---and that the London Corresponding Society are going to petition, and write to all Societies in the kingdom to do so---it will cause the subject to be agitated every week---no time to be lost---and say that we equally lament the war.

Q. Was there any letter prepared in consequence of that?

A. The London Corresponding Society have drawn up a petition, which was presented by Mr. Gerald, who said he had applied to Mr. Mackintosh, who said he would go with him to get Mr. Fox to present it.

Q. Were there any letters prepared, in consequence of this agree-

agreement, that they should write to Sheffield, by Margarot, or any other person?

A. Margarot wrote this letter of course, the substance of it was this—

Mr. Bower. That is in Appendix to the Report, page 67---we have read it already.---What is your next?

A. March 7th, 1793, No. 31, Compton-street, fourteen Delegates met.

Q. Was Hardy there?

A. Yes.---Read the Petition to Parliament, and refer it to be considered by each Division---the title of the petition, The Inhabitants of London, Westminster, and their Vicinity.---The discussion of that took up the whole of the evening.---That new Delegates should be chosen on the 28th of March.---The Delegate of Division No. 1, moved that the Essay wrote by Mr. Frend, of Cambridge, on the war, and published in the Manchester paper, be printed and delivered to all the Divisions. Mr. Frend, of Cambridge, is trying now; and it is supposed he will be excluded the College.---The remainder of the evening upon the petition---the petition to be made out upon rolls of parchment, and each Delegate to have one, to try what coffee-houses will take it in to lie to receive signatures.---March 21, 1793, No. 31, Compton-street---Baxter reported that some constables had been at Division No. 16, to disperse them, but dare not go up, the company being too large: they left word that they would come in greater force.---Received a letter, dated the 28th of February, saying, As you meet to overturn the Constitution, you have warning that warrants will be taken out against every member.---A letter, dated March 15th, from the Birmingham Society for Constitutional Information, signed John Harrison, beginning Citizen Hardy, the letter was requesting to correspond, to strengthen the love of the human race, and to restore the Representation of the People---it complains of the venal mode of election---the poor's rate, tythes, and the dearth of provisions---they are determined to think and speak for themselves---to petition Parliament---speak, unite, and it will be done---those are the heads of it as I gathered: this letter was not directed to Piccadilly, but

to the house that Mr. Hardy lived in before he went there.—
There was a report that the Friends of the People had received two letters from Sheffield, directed to Mr. Stuart; there was no notice taken what the letters were—Grant and Littlejohn discharged from the London Corresponding Society, and to write to the Constitutional Society, and to ask for other honorary members to represent them.

Q. What was Grant discharged for?

A. For withholding the manuscript formerly mentioned.

Lord Chief Justice Eyre. Was it said where these two letters came from to the Friends of the People?

A. I take for granted from Sheffield; but I have not put it down. Littlejohn was discharged for the neglect, I believe, of his Division; he was gone down into Scotland.

Mr. Bower. Did you minute what Grant was discharged for?

A. In consequence of a former resolution, that if he did not deliver up the manuscript he should be discharged; and now they were discharged. A motion was made by Margaret to print a thousand of Friend's Address to Republicans and Anti-Republicans, to make extracts from it by a Select Committee, with some strong remarks thereon by them.

Lord Chief Justice Eyre. What was the title of Mr. Friend's book?

A. An Address to Republicans and Anti-Republicans; there were six to form that Committee, and to meet in Paternoster-row, at Stiff's house. The next meeting was the 28th of March, at Nov 31, Compton-street, a meeting of Delegates. It was agreed to bring all the quarterage next Thursday, the Patriotic Society, in Holborn, joining the Division No. 29.

Q. Was this Patriotic Society the same you mentioned before, that broke up, and the greatest part joined the Corresponding Society?

A. The same. The report was of the number of signatures to the petition; the whole was seven hundred eighteen on the five skins. A Select Committee chose to make laws for the Society, and to submit them to each Division, to meet every Thursday.

day afternoon at five o'clock ; any three to proceed to business ; other Delegates allowed to visit.

Lord Chief Justice Eyre. Have you any minute of any debates upon the subject of the necessity or the occasion of proposing this Committee?

A. I have no minute of any debate. I see here is a mark made here—The Committee to make extracts from Mr. Friend's Address to Republicans and Anti-Republicans, they are to meet on Sunday evening—Fourteen Delegates met on the 4th of April, in Compton-street—The Select Committee to consider of their future regulations, first of all for the Society at large—The general rules and private regulations for the admission of members—The week's payment—Admission of strangers—Vote of exclusion—The number of constituents before you branch off—The summonses sent to each night's meeting—That is one part of that Committee's consideration to regulate—The next is, The Constitution of General Principles—Committee's laws relative to themselves—The said Delegates private regulations—Laws relating to the Society election of Chairmen and of Door-keepers.

Mr. Bower. It is not worth while to state this ; go to your next meeting.

A. The next is the 11th of April, at No. 31, Compton-street. The report was that two thousand had signed the petition: Resolved to thank the Friends of the People for their impartial state of the representation. It was then said that the Constitutional Society at Sheffield had done it, and had requested them to publish it in a cheaper manner. In their letter they say the people are sleeping too long ; the ignorance of the people is the cause of the continuation of the corruption of the Senate---Resolved to write immediately to every Society again, and request them to petition directly ; small bills to be stuck up in the night informing the public where the petition lies for signatures---Fourteen Delegates met---Mr. Francis to be requested to present the petition---Recommended by Division No. 2, to advertise a general meeting at some tavern, and we may get a good many signatures there---Already signed 2,519.

2. You may go now to the 29th of April ; I do not see any thing

thing material till then ; the anniversary dinner of the Constitutional Society at the Crown and Anchor, were you present at that dinner ?

A. I was.

Q. Did you make a minute of what passed there ?

A. I made this minute---That many of them talked very boldly, and laughed at the fears of the public---they are sure that a revolution will take place in this country.

Q. Who was in the chair ?

A. Lord Sempill was Chairman---The next that I have got is the sentiments that were drank---The rights of man---May we never be ashamed to assert those principles we wish to enjoy---May despotism be trampled under the hoofs of the swinish multitude---May the world be our country, and doing good our religion---Freedom to France, and peace to all Europe---Thomas Paine.

Q. Have you any remark upon that ?

A. I have remarked here that Horne Tooke requested him to be given a second time---May the temple of Freedom have the earth for its basis, and heaven for its dome---May governments soon cease to be a conspiracy against the few, for the rights of the many.

Q. Is not that reversed ?

A. No ; I have it so---By Lord Daer, John Horne Tooke for his vigilant opposition to despotism---The victims of despotism, and may the people of Great Britain have courage to redress them, Lord Sempill, Mr. Fitzgerald, &c. Those are the toasts that were drank. The next is the second of May, 1793, a Delegates' meeting, at No. 31, Compton-street. Mr. Fox wrote to Mr. Hardy, at nine o'clock at night, that our saying a radical reform would be understood universal suffrage, which he was not a friend to, but would present the petition if we desired it : In consequence of this it was determined to get Mr. Francis to present it, and to write to him on Saturday morning ; the petition to be presented on Monday, unless Mr. Grey puts off his motion---Two of the Sheffield Delegates that brought up their petition made honorary members---Agreed to meet on Sunday evening at Compton-street, and bring in all the skins.

Lord Chief Justice Eyre. Did not you say that there was a resolution that there should be a new election of Delegates on the 28th of March?

A. Yes.

Lord Chief Justice Eyre. Was there a new election of Delegates?

A. Yes.

Lord Chief Justice Eyre. Were you re-elected?

A. Yes; on the 25th of September.

Mr. Bower. You have got a minute the 16th of May, have not you?

A. I have mislaid that by some means or other.

Q. Do you remember any thing passing upon the 16th of May respecting the war and the addressers.

A. No.

Mr. Edward Lauzun called again.

Mr. Bower. Look at that paper. Did you find that among Mr. Hardy's papers?

A. Yes.

[*It was read.*]

" *South-street, 2d of May, 1793*

" *SIR,*

" I am to apologize to you for not having sooner answered your letter, but I have been very much engaged in business for some days past. I will certainly present the petition if it is desired, because I would not decline presenting a petition for any of my constituents; but I confess I think it might with more propriety be presented by some other member, because it is generally understood that the radical reform, which it recommends, is universal representation, to which I have always been an avowed enemy.

" I am, *SIR,*

" Your most obedient,

" And most humble servant,

No address.

" *C. J. FOX.*"

Indorsed, Charles James Fox, M. P. received 2d May, 1793.

Mr. Bower (to Lynam.) As you have mislaid your minutes of the 16th of May, I will not press you upon it.

A. I have the minutes, of May the 16th, here—No. 31, Compton-street.

Q. Was the prisoner at that meeting?

A. Yes; he was.

Q. What passed there?

A. A motion from the Division No. 7, to draw up a remonstrance against the war; it was then said that Mr. Hardy had received an anonymous letter, saying that, as the late petition lay at your house, I look upon it you are Secretary; and he says, being a friend to man—something—and the salutary rights; he very much approves of the petition and the thanks to the Minority; he submits it in his letter, that if a petition against the present war is brought forward, it will refute its being a popular one; then he goes with regard to the subscriptions and the expences of the Society.

Mr. Bower. You had better pass it over if you cannot make it out well.

Lord Chief Justice Eyre. Was any thing done upon that anonymous letter?

A. It does not appear that any thing was, The next was a meeting of the Delegates on the 23d, at No. 31, Compton-street—It was then proposed to call a general meeting, which would be an irrefragable proof of our being legally assembled, and would take away those reflections upon us, and dissipate the fears of the public: this was to be agitated at each Division.

Lord Chief Justice Eyre. Who made that proposition to call a general meeting?

A. I cannot tell, There were twelve Delegates met—A letter from R. Littlejohn, dated 18th of May, in which he says, he was surprized that he was excluded the Society; his attachment is not to be bought or sold, and he would not give up the cause but with death; this is what I collected from that letter. Committee for drawing up an address to the public, &c.; then it was observed, that Le Brun's letter to Lord Grenville has altered the step; on that account it would appear as though we had

some communication with France, therefore we ought to wait to see if any notice is taken of it. It was thought proper to refer the addresses to the public at that time, and it was referred for a week.

Lord Chief Justice Eyre. What did you say it might be thought to do?

A. It would appear as though we had some communication with France. The next meeting was on the 30th of May. I do not find any thing more than Mr. Hardy's intending to make a motion that we should break up for three months.

Q. What was done upon that?

A. It was not carried, but the Society continued; for I have a report on the 6th of June, in consequence of it. The next was a meeting of Delegates on the 6th of June, 1793, at No. 31, Compton-street—There were three Divisions that wished for Mr. Wharton's motion in the House of Commons to be printed.

Q. Was any thing done with respect to Mr. Wharton's motion?

A. I have no remark that any thing at all was done, notwithstanding it was so recommended. A public meeting was then talked of; to advertise five for six o'clock.

Lord Chief Justice Eyre. Advised or agreed upon?

A. I shall come to that presently. I forget whether it was determined upon at that time, but there was a meeting which followed afterwards; this is the beginning of it; it was agreed to admit every Division.

Mr. Bower. What was the proposition?

A. To advertise a public meeting; and that it should be advertised to meet at five o'clock, but the intention was to meet and begin upon business at six—A motion from Division No. 28, that the thanks of the Committee be given to Mr. Wharton for his motion and speech.

Mr. Erskine. Mr. Wharton the Member of Parliament?

A. Yes; and it was agreed to be printed, and the thanks to be published in four papers, the Courier, Chronicle, Gazetteer, and Ledger.

Mr.

Mr. Bower. Does it appear by your minutes whether it was only to be published, or have you any further entry respecting what was to be done besides publishing?

A. I have this memorandum, that it was to be put once in each paper; that is to say, that it was to be advertised four times; it was likewise agreed that there should be some comments made upon it, and a Special Committee, to draw it up, of five of the Delegates; it was to be an open Committee, and to meet at six o'clock on Monday—A letter from Leeds, a Delegate Meeting, May the 30th, 1793, a Society lately sprung up, sent by the request of the Sheffield Society, to correspond with all Societies, and begged ours, although only 200, yet are determined to instruct all their neighbours—Thomas Hanly, Secretary, it was instituted the 27th of November, 1792.

Q. Have you any minutes of the 13th or the 15th of June?

A. The 15th of June I have.

Q. You have not any of the 13th?

A. No.

Q. Do you recollect any thing about the 13th from your memory?

A. I do not.

Q. Then to the 15th; that was, I believe, a meeting of Delegates, at No. 31, Compton-street?

A. I believe it was; it was recommended that an advertisement—

Q. Do you know who it was recommended by?

A. I have not a memorandum of that—Resolved that our thanks be given to J. Wharton for his speech on the 31st of May, to restore the constitution of 1688. We earnestly exhort him to persevere in the cause of the people, and doubt not, notwithstanding the contumelious silence of the majority, it will have its due weight with the people.

Mr. Erskine. Read that again.

A. An advertisement for Monday—Resolved, our thanks to J. Wharton for the speech he made on the 31st of May—I believe he spoke his speech on the 31st of May—to restore the constitution of 1688; we earnestly exhort him to persevere in

the cause of the people, and doubt not, notwithstanding the contumelious silence of the majority, it will have its due weight with the people. Agreed we will give our decided support to every measure brought forward to restore our rights as at 1688. Resolved that the thanks of the London Corresponding Society be given——

Lord Chief Justice Eyre. Was this a meeting of Delegates?

A. Yes.

Mr. Bower. It is all at meetings of Delegates, unless I shall mark it as some other meeting.

Lynam. Resolved that thanks be given to the twelve men that voted with Mr. Wharton the 6th of June—The Constitutional Society for information have published ten thousand of Mr. Wharton's speech correct—Mr. Margarot will get one thousand for us.

Q. Have you any thing further of that meeting?

A. Nothing more.

Q. About this time did you for any period cease to be a Delegate? Was there any division upon what you have been last reading?

A. I do not recollect that there was.

Mr. Erskine. Do you mean to say that you recollect there was not?

A. My answer is, if there had been any thing of the sort I should have made a memorandum if any thing particular; I do not recollect that there was any thing of a division, but I remember it was said by Margarot——

Mr. Erskine. Is that in your note?

A. No; I am going to tell you my recollection. He said he would get a thousand for the London Corresponding Society; but I have no minute of that; if you mean to put that down as my minute, I shall, when you come to examine me, shew you it is no minute of mine.

Mr. Bower. You ceased to be a Delegate for some period after this time; this is the last meeting of Delegates you attended for some months?

A. I attended on the 13th of June,

Q. We

Q. We have got to the 15th.

A. Then it must be the 15th.

Q. After that time you ceased to be a Delegate for some time, did not you?

A. It was so.

Q. Were you, at any time in the month of September, present at any Division Meeting.

A. Yes.

Q. What time in September?

A. I think it was the 25th.

Q. Upon the 25th of September, did you attend any Division Meeting, and where?

A. I attended the Division No. 23.

Q. Where did that Division meet?

A. I do not recollect the name of the place; it was in a kind of court or garden near Bunhill-row; it goes out from Blue Anchor-alley; and there is another narrow alley to it, which I do not know the name of.

Q. It was in some little place or alley near Bunhill-row, Moorfields?

A. Yes. It was reported that a new Society was formed at Coventry, and that they were increased very much in the last month. It was reported that there was a new Division of the London Corresponding Society; that they took Number 10, which had ceased prior to this time, and met in the Grove, Bandy-leg-walk, and it was said they were very violent.

Q. Said at that meeting?

A. Yes; that was the report from one Delegate of the Division.

Q. A new Division?

A. No; a Division had branched off, and took Number 10 that had ceased prior to this time, and they met at the Grove, Bandy-leg-walk. This is a report from one of the Division of a gentleman that lives at Walworth, who is going to join the London Corresponding Society: and it is at the same time observed, that he wrote the offensive play-bill, the Guillotine, his name

name is Cruden. It was stated in the course of the evening, in the information that they endeavoured to bring forward of different circumstances, it was stated in that way, and it was followed up by a remark from the same person, that many people supposed that he was employed by the Convention in France.

Q. Were any other papers brought forward?

A. It was reported that there was a petition to the King brought forward at the last meeting of Delegates; but that it was declared treasonable by Mr. Vaughan, in consequence of which another was to be drawn up.

Q. When you say it was treasonable, do you mean to say that that was Mr. Vaughan's opinion?

A. It was reported by several that Mr. Vaughan had given that as his opinion?

Q. Was any thing done upon that?

A. That is all.

Q. Did the Delegate report any thing farther, after it was found that that petition was supposed to be treasonable?

A. Only that another was to be drawn up.

Q. Was there any thing further done at that meeting?

A. I have no memorandum of any thing else?

Q. Or have you any recollection? if not, go on to the next meeting, which was on the 7th of October.

A. The report of the Delegate was, that there were eighteen new members made that week.

Q. That was at the division meeting?

A. Yes, the same division meeting Oct. 7th that a Mr Bell, who was at Brighton, was going to Ireland, and would introduce a correspondence with the societies there, from the London Corresponding Society. At the last meeting of Delegates a petition was brought forward, or agitated, was brought forward, discussed I suppose, against the war, nothing more is said of that. Hodgson was chose president, and Hardy was continued Secretary: the next is November the 5th.

Q. Before you go to November the 5th, were you present at any other meeting, at Hackney, or any other place?

A. Yes.

A. Yes.

Q. At what time was that—it has indeed been proved to be the 24th of October?

A. I do not recollect the day of the month that that meeting was, but it was to elect two Delegates to send down to the Convention at Scotland.

Q. Were two Delegates elected at that meeting?

A. Yes.

Q. Who were they?

A. Margarot and Gerald, I think.

Q. Who appeared as President of the Society at that time?

A. Hodgson.

Q. Where was this meeting?

A. At a house in Hackney road, the election was in a garden behind the house.

Q. Was Mr. Hardy at that meeting in Hackney-road?

A. I think he was, but I will not be positive.

Q. What meeting were you at on the 5th of November?

A. Division No. 3, the delegate reported, that Hodgson had resigned, and that Baxter was chosen Chairman; he then reported that Margarot, and Gerald, went to Scotland, the 30th of October, and that the fund was very low, the subscription not equal to the expenses.

Q. Where was this?

A. At the same place near Bunhill-row; the next report was that a second delegate should be chosen from each division, to form a sub-committee, to revise the constitution, and to meet every Friday, at No. 31, Compton-street; the next report was of a new society formed at Bristol; the next that Colonel Macleod, and Mr. Sinclair, were gone as delegates to Edinburgh, from the Constitutional Society; the next meeting was November the 12th.

Q. Before you get to November the 12th, were there any reports made upon the 5th of November, respecting Franklow?

A. I have no memorandum of that.

Q. Do you recollect any thing stated about Franklow, upon the 5th of November?

A. I recollect it being said, that there was going to be an association formed at Lambeth, for the purpose of learning their exercise.

Q. Recollect all the circumstances that you can, respecting that ?

Mr. Gibbs. Let us understand that you have no memorandum of this ?

A. No.

Mr. Bower. Do you recollect any other circumstance that was to attend that meeting ?

A. I understood that they were going to form themselves into different Societies,

Q. Of whom were those societies to be composed ?

A. I was going to say a plan was forming for those Societies to learn their exercise at different places all over London, and that it was to be confined to the London Corresponding Society,

Q. Do you recollect any thing further being said about the plan ?

A. Not particularly. Afterwards it was more particularly brought forward; but I have not, to the best of my recollection, any thing more,

Q. The plan was not at that time compleated ?

A. No, the forming of the Society, and how they were to meet to carry it on, was not at that time mature to the best of my recollection, but this was said, that there was a variety of people that did intend to learn their exercise, but this at Lambeth was the only one that was mentioned,

Q. There was no association formed but the Lambeth ?

A. No, but it came out afterwards, and probably, it will not be improper to mention it here, that there were members of the London Corresponding Society, that had a desire of introducing the exercise among the London Corresponding Societies divisions on different nights, from the night that the divisions met on different evenings,

Q. Was that agreed to or otherwise ?

A. It was rejected at No. 23, but this is only anticipating it.

Q. It will come better in its order by and by; who was President.

sident of this Society, on the 5th of November, Chairman of the Delegates, and so on?

A. The report of that division meeting was at the first committee night of the Delegates, Hodgson had resigned the chair, and Baxter was chosen Chairman.

Q. Were you present at any meeting upon the 12th of November?

A. That is a Division meeting.

Q. Of which Division?

A. No. 23.

Q. Where was it?

A. At the same place.

Q. What was done at that meeting?

A. Read a letter from Norwich, signed W. Cole, from all the societies there, approving of the Convention at Edinburgh, and requesting a constant correspondence; finances are very low, they want to get a second subscription in order to support the Delegates in Scotland.

Lord Chief Justice Eyre. Do you mean the finances at Norwich or of your society?

A. From Norwich, and then here seems a kind of instruction to the delegates, requesting them to visit all the societies in Scotland.

Mr. Erskine. Let me take that down in your own words; there seems a sort of instruction from the Delegates requesting them to visit all the societies in Scotland?

Lord Chief Justice Eyre. How do you state that?

A. The finances are very low, in order to get a second subscription, in order to support the Delegates in Scotland, the instruction is with regard to a letter that has been sent to the Delegates requesting them to visit all the societies in Scotland, here is something that I gathered from the Delegate, reporting it from the committee of delegates.

Mr. Bower. That was the regular way of making these reports; the common ordinary course of the society?

Lord Chief Justice Eyre. Is this that you state about the instructions

instructions part of the letter, or what was done by the society upon the letter?

A. Done by the society.

Mr. Erskine. It must have been something, he says, but we have not heard what it must have been?

A. It was reported that the finances were very low, and they want to get a second subscription to support the delegates in Scotland.

Lord Chief Justice Eyre. That was part of the Norwich letter?

A. I thought so at first, but looking at it again I rather conceive that this is the report of a Delegate from the Committee of Delegates.

Mr. Erskine. There seemed to be a sort of instruction, concerning something that I gathered from a delegate, who collected it from the Committee of Delegates, I thought it was the Norwich letter first, but looking at it again, I rather conceive—what do you conceive?

A. That the finances of the Corresponding Society were low, and that they wanted a second subscription to support the Delegates in Scotland.

Lord Chief Justice Eyre. Then what was meant about the instructions?

A. The instructions were in a letter that had been sent, but by whom I have no memorandum here, to the delegates to visit all the Societies in Scotland.

Lord Chief Justice Eyre. Do you mean that there was an instruction sent to them in a letter?

A. I do, it was reported by the delegates, that there was going to be a second general meeting to be held at Edinburgh, but afterwards it was altered and intended to be held at Glasgow instead of Edinburgh.

Mr. Bower. This is the 12th of November?

A. Yes.

Q. When were you re-elected, if ever you were re-elected, a Delegate from any of those Divisions?

Mr. Bower.

Mr. Bower. We have the letter which has been read of the 8th of November, from the prisoner, to the Delegates in Scotland.

Mr. Gibbs. Have not you some notes you have gone through?

A. Yes, I have put them in my pocket.

Mr. Gibbs. I desire to look at them?

The Witness delivers them to Mr. Gibbs, saying, I presume you will give them me again.

Mr. Gibbs. What reason have you, Sir, to suppose that I will not give them to you again?

A. If you mix them, it may be impossible for me to arrange them again.

Mr. Gibbs. You have given me these papers, mark them 1, 2, 3, 4.

Mr. Bower. I beg to go through my examination; do not be marking papers while I am examining you; put them in your pocket till we have done. You were elected a Delegate again at what time?

A. The first meeting I attended of the delegates, being re-elected, was on the 2d of January, 1794.

Q. Was Mr. Hardy a new member, when you attended as a new member?

A. He was Secretary.

Q. After you re-commenced a Delegate?

A. Yes.

Q. Now go to the 2d of January, 1794?

A. The first is the election of delegates I believe, I need not read them over; the first resolution was to remove the committee-room to No. 3, New Compton-street; to remove the meeting of delegates to No. 3, New Compton-street; then a resolution was passed, that no person but what had belonged three months to the society, was eligible to be elected a delegate; it was agreed to draw up a hand-bill, approving of the conduct of the delegates in Scotland and a censure on the Magistrates; to distribute one thousand in Edinburgh.

Q. Was this a Delegate meeting?

A. Yes, to censure the conduct of the Magistrates; to distribute

triloute one thousand in Edinburgh, and they were to be sent down immediately.

Q. How soon were they to be sent down ?

A. To the best of my recollection the urgency was explained to be very great ; and I think they were to be sent down the following night. A letter was read from Sheffield, signed William Brown Broomhead, Chairman, recommending some spirited resolutions to be adopted to support the Delegates immediately.

Mr. Erskine. Read that again.

A. A report read from Sheffield, William Brown Broomhead, Chairman ; it recommends some spirited resolutions to be adopted to support the Delegates immediately, and it likewise says, that at this meeting there were about two thousand ; I believe that is all at that meeting ; the next I have is the 9th of January, at No. 3, according to the resolution at New Compton-street.

Q. At which meeting I believe the prisoner was not present, was he ?

A. I am inclined to think he was there, though I have not got his name down, I have the names of a variety of Delegates and other people that were to be stewards for a meeting that was to be held on the 20th, I think.

Q. What passed at the meeting, if you find any thing to enable you to say that the prisoner was there, we will take it down ; if not, we will take it that he was not there ?

A. A General Meeting to be at one o'clock, on the 20th instant, to meet Mr. Gerald, and have a dinner at five o'clock, at the Globe Tavern in the Strand.

Q. One o'clock, on what day ?

A. On the 20th of January, a Sub-Committee was formed for the management of this matter ; the Sub-Committee that undertook the management of it from the 9th to the 20th, were Thelwall, Franklow, and Stiff ; the names of the Stewards are, John Thelwall, John Agar.

Q. John Agar, have you the Christian names at full length in your minutes ?

A. I may be mistaken in the Christian name, which has sometimes happened, but I have it John Agar, and Stewart Kydd, Barristers,

Barristers, John Lovett, H. F. Harrison, T. Stiff, Bartholomew Peacock, J. Philip Franklow, Thomas Harris, C. Sinclair, J. Powell, W. Williams, Thomas Mitchel, John Pearce, Matthew Moore, Wm. Moffatt, and I. Martin, Attorney.

Q. Did you see Wm. Moffatt?

A. Wm. Moffat, it was said was a Delegate of the Convention at Edinburgh. Agreed, that tickets for the dinner should be five shillings, those that dined were to pay five and sixpence, and those that did not dine, paid six-pence for those tickets.

Q. Have you any minute of any Sub-Committee?

A. A Sub-Committee to draw up a letter, and send to all the societies, to unite them all in one general sense in an address to the public, on their invaded rights by the proceedings of the Magistrates at Edinburgh. It was mentioned at that meeting, that they should discuss the conduct of the Right Honorable Mr. Dundas, respecting the trials of the delegates in Edinburgh.

Q. Who were to be the Sub-Committee for the purposes of drawing up this letter, and discussing his conduct?

A. I have not got down the names of the committee.

Lord Chief Justice Eyre. Was it a different Sub-Committee, from the Sub-Committee that was to manage the dinner?

A. Yes; the next minute that I have got, is of the 20th of January, at the Globe Tavern.

Mr. Bower. Have you no further minutes of the business of the 9th of January; you are not yet come to the Sub-Committee; is that a minute of that day, or of the 20th of January?

A. It is on the same day a Sub-Committee to be chosen.

Q. Does it appear that any Sub-Committee was chosen on that day?

A. There was a Sub-Committee chosen, but I have not got down their names.

Q. Was there any plan agreed upon to be proposed, on the 20th of January, respecting the proceedings of this Sub-Committee?

A. I have read over what I have got down, and I recollect nothing more.

Q. You stated, that you ceased to be a delegate from Mid-

summer, to near Christmas, how came you to cease to be a delegate during that time?

A. I ceased to be a delegate, in consequence of one of the London Corresponding Society, making a report some time before that, that I was a spy upon the society, and I was tried in consequence of it, I think on the 13th of June, I was tried by the Committee of Delegates.

Q. What was the result of your trial?

A. I was acquitted by a very great majority.

Q. Having been acquitted by a majority, you then were re-elected a delegate, before the time you have last been speaking of?

A. I was re-elected, the next meeting I attended was the 2d of January, 1794.

Mr. Erskine. When was it that you were reported to be a spy, and were tried?

A. I think it was the 13th of June.

Mr. Bower. Now come to the 20th of January; were you present at the meeting at the Globe Tavern, upon the 20th of January?

A. Yes, A meeting the 20th of January, at the Globe Tavern, I. Martin, President.

Q. What time did you go to the Globe Tavern that day?

A. I went to the Globe Tavern, before the company had assembled, or business began, but I do not recollect precisely the hour they were assembling, so far I have a very clear recollection, in the one pair of stairs room, and that in the course of their consultation, and talking with each other, that the floor of the room gave way, and created a vast deal of confusion.

Q. In consequence of that, I suppose, they did not stay in the room; after the floor gave way, where did they go next?

A. To the room above.

Q. Were you there at any time in the afternoon?

A. I was there before the business began, and I was there till the business was finished, and the resolutions at that time were read, indeed I have a report of it here.

Q. After the floor of that room had given way, and it was necessary

necessary therefore, that they should adjourn, and they had got into the room above stairs, where did the Chairman, if there was any, place himself; what was the situation of the Chairman?

A. There is a place for the musicians, at the side of the room, in case there is a dance.

Q. A sort of balcony, or gallery?

A. Just so, that was the place where Mr. Martin was;

Q. Who else was there?

A. There were Ramsey, Ritcher, and Thelwall,

Q. Was the prisoner there or not?

A. The prisoner was there likewise, but he did not stand in the front, he stood behind.

Q. Who stood in the front as Chairman?

A. Martin, Thelwall, Ramsey, and Richter.

Q. What passed at that meeting?

A. A deal of time was taken up by the report of Mr. Ramsey, the short-hand writer, reporting Margarot's trial; next was carried the Address to the Nation; there was then an adjournment to dinner, when Thelwall was Chairman, and President.

Q. Was you present at the dinner?

A. Yes.

Q. In the same house that day was it?

A. Yes.

Q. After the business was over, you adjourned into a room to dinner; was it a public dinner?

A. There were a great number of people at dinner, and to the best of my recollection, it was in the same room, however I will not say that positively, but I did not dine with the large company; I was in an adjoining room with a few of the company who could not get seats; I came into the large room after I had dined.

Q. Was the prisoner in the room that you came into after you had dined?

A. Yes.

Q. Was Mr. Thelwall there?

A. Yes, he was Chairman at the dinner, but Martin was President at the meeting.

Q. What passed when Martin, and Thelwall were there, after you came in?

A. All the report I have got is the toasts after dinner.

Q. Were there any resolutions at any time made in reference to the general objects of the society, proposed by Thelwall, and agreed to by the meeting, there assembled?

A. I have got a memorandum here, that after Mr. Ramsey's report of Mr. Margarot's trial, that next was read and carried, the Address to the Nation, which is dated at the Globe Tavern, although it was drawn up prior to that—If I were to see it, I should know what resolutions were passed at that time; that is the only remark I have got made of it; then follows the dinner; there were several people in the course of conversation that I did not know, but conversation was kept up by different people that got together; I have made a remark, that there was very bold language made use of.

Mr. Gibbs. This was a meeting, not composed wholly of the Members of the Corresponding Society.

Mr. Bower. Hardy was present.

Mr. Gibbs. But he is speaking of conversation that passed from people there, that he cannot name.

Mr. Bower. Were you present at any delegate meeting, any where on the 30th of January—no, I must beg you to go to the 23d of January, I must not pass over that?

A. No. 3, New Compton-street.

Q. Was that a meeting of delegates, on the 23d of January?

A. Yes.

Q. Was the prisoner there, or not?

A. Yes.

Q. Tell us what passed?

A. It was recommended, that hand-bills be stuck up in all parts of London, saying what grievances we wish to redress.

Mr. Erskine. Moved as a resolution, do you mean?

Mr. Bower. Agreed by the delegates?

A. Yes—the next thing that came forward was a box for a subscription, for the support of the Delegates, the amount of which was,

was, 13l. 4s. 5d. the box was opened that night, and there were nine bad shillings in it.

One of the Jury. What was the subscription for?

A. The support of the Delegates in Scotland; it was proposed to publish the names of those who had given evidence against the patriots, but objected to by Thelwall, as it may produce massacres; it was proposed at that time, to chuse two Sub-Delegates to attend the Perpetual Committee, to watch the Parliament every night, and all to meet every Thursday, but for the Sub-Delegates it was not carried.

Q. Which part was carried?

A. A committee was chose on that night, but I have not got the names of them, for the purpose of watching the Parliamentary proceedings, but the Sub-Delegates part was not carried; it was proposed that that committee should be made perpetual, but I have no memorandum whether that was carried or no.

Q. Was any proposal made for printing any thing?

A. I have mentioned, it was proposed to publish the names of those who had given evidence against the Patriots.

Q. You do not recollect any thing else?

A. I have not got memorandums of any thing else; it was recommended that hand-bills should be stuck up, saying, what grievances we sustained,

Q. You do not recollect any thing else?

A. No.

Q. Was you present at any delegate meeting, upon the 30th of January?

A. Yes, January the 30th, No. 3. New Compton-street,

Q. Was Mr. Hardy there?

A. Yes—Division No. 11, recommended to divide the metropolis into divisions, and to open the divisions to all parts, and to request of all those who do not belong to us, to subscribe for the Delegates; this was referred to the Constitutional Committee.

Q. What was meant by opening the divisions to all parts?

A. The opening of those divisions, was to endeavour to have meeting houses all over London, of different divisions of the society, those that lived nearest to a place of meeting, it was re-

commended

recommended to them to attend at the meeting nearest to them, for the purpose of collecting friends round about near that place where that division met, and so all round London.

Q. Were any number of persons stated or agreed upon to compose these several meetings?

A. No particular number was stated at that time, they always held in idea a regulation which they had before, that when a division was more than thirty, forty, or sixty, that it should branch off, and then have a new number; but, however, that was a matter that was very little attended to.

Q. No particular number were to your knowledge proposed?

A. No; the Division No. 13 recommended that the Delegates be instructed to advertise, and request a many spirited friends that do not belong to us to come forward and subscribe to the support of the Delegates.

Q. How much was to be subscribed?

A. As much as they could prevail upon them to subscribe. Division No. 8, in Rotherhithe, wished to know if they should remove into the Borough, having had a constable with them, many have lost their business, and are afraid of press-gangs. The next was the call of the house.

Q. What do you mean by the call of the house?

A. The Delegates attended the call of the house.

Q. Go on to the next after that?

A. A motion was made by Thelwall that there should be a permanent Committee of Delegates to consider of measures to be pursued during the present posture of affairs, and to be a secret one; those of the General Committee of Delegates chose, to be filled up by other Delegates, and they were to be invested with a discretionary power to report to the Committee.

Q. To what Committee?

A. To the Committee of Delegates; but the Committee of Delegates had a power to dissolve them when they pleased.

Q. Was it mentioned of whom the Secret Committee were to consist?

A. They were Martin, Baxter, Williams, Thelwall, and Moore; that was carried unanimously.

Q. Was

Q. Was there any Secretary appointed to the Secret Committee?

A. None.

Q. What was to be the power of the Secret Committee?

A. The Secret Committee was to consider of what measures were necessary to be adopted at that time, and so long as they should sit, according to the measures that were adopted in the House of Commons.

Q. What were they to do, were they themselves to carry any measure into effect, or how were they to act?

A. The Secret Committee was to have a power to call the General Committee of Delegates together when they saw it was necessary, and at any time, or at any place. This was agreed to also.

Q. What was the next thing that was carried?

A. A Sub-Committee of three to consider of the best mode to increase subscriptions for the Delegates in Scotland; this was referred to the Secret Committee with full powers.

Q. What was the next thing done?

A. There was a letter from Margarot, but I have no memorandum whether it was read or not.

Q. Nor of the substance of it, have you?

A. No.

Q. Then go on to the next.

A. It was proposed by Thelwall that a committee of two, as a committee of exigence, should report to the General Committee.

Q. How was that committee of exigence to be formed, two from all the societies, or how to be formed?

A. I have it down here—A committee of two as a committee of exigence to report to the General Committee, but not to publish any thing; but this was withdrawn—I have here a letter dated the 28th of January 1794, from Old Friends New Revived, that they had collected as many friends as possible, and would publish their sentiments; that they are encreasing the Bristol Society for constitutional information.

Q. Old Friends New Revived?

A. They describe themselves so in the letter.—On the 6th of February there was a Meeting of Delegates.

Q. Was Mr. Hardy there ?

A. Yes, he was.—The first thing that was mentioned there was, that a letter was received from Citizen Stiff with respect to his going down to Rotherhithe, on account of the Society established there being disturbed.—Motion from the Permanent Committee to nominate others in their places, it being a Secret Committee, and those that are to be appointed are not to be known. This was brought forward by the Secret Committee saying, that being a Secret Committee, they had found out that it was dangerous, and therefore they applied to the Committee of Delegates to dissolve them, and give them power to chuse another Committee in their place; and they likewise requested that they might not be compelled to name the names of those persons that were to form the New Committee, Division, No. 11, recommended the Committee to consider of the situation of Hodson and his wife, he was put among the felons, and deprived of seeing his friends: this was sent back on account of the lowness of our funds, being obliged to support our Delegates,

Q. What Delegates ?

A. Delegates in Scotland.—Motion from Division 29, that the names of those who have subscribed for the distressed weavers be printed, and to be posted up; that was not carried. A letter was recived in a parcel from Sheffield from Margarot to Hardy, dated the 7th of January. A letter from Sheffield, dated the 30th of January, Joseph Scofield the bearer, recommended to spend all his time in the societies. A letter was received from Gerald, recommending them to send down a short-hand writer to take his trial.

Q. Was any thing done upon that letter from Gerald, about appointing a short-hand writer ?

A. It was mentioned that Mr. Ramsey charged forty pounds for taking Margarot's trial; Jenkins who was recommended cannot go. Sibley, in Goswell-street, to be applied to, to go down, and if he was not prevailed upon to go, Hardy should appoint somebody to go down,

Q. What

Q. What passed upon the 20th of February?

A. The Delegate of Division 18, made a motion to reprint the Rights of Swine, and ordered it to be printed by Pearce.—Motion by Pearce, that a committee of seven be appointed to revise the New Constitution, and report next Thursday evening. Resolved, that fifty thousand hand-bills of Lord Stanhope's speech respecting the foreign troops be printed; to return him thanks, and to engrave the doctrine upon our hearts, and transmit it to our posterity.

Q. After this time you ceased to be a Delegate, or shortly afterwards?

A. Yes.

Q. This is the substance of what you collected during the time you was a Delegate.

A. Yes,

Q. How became you a Member of this Society?

A. By mere accident.

Q. What is your business?

A. An ironmonger, and in the commission line.

Q. How did you become a member?

A. I was at the sign of the Mansion-House, when the Division No. 12, had a meeting there; I knew nothing at all of it, but the landlord had one of their printed resolutions given to him, and I requested the favour of looking at it, and upon seeing it, my remark to him was, that it was a society formed for overturning the constitution of this country, and I advised him by no means to suffer them to meet there any more, for if he did, he would certainly have his licence taken away.

Q. Then you made yourself a member of the Society; how did you get admitted?

A. I went up to the Society the same evening along with two other gentlemen that were there. I understood that any person might go into the room; there had been two or three had attempted it, therefore they appointed a door-keeper to admit none but those that were members; one of the Society endeavoured to turn me out, however I went in, and had some conversation with the President, whose name was Watson, and who

was

was at that time supposed to be Secretary to Lord George Gordon; we were charged with interrupting the company; I asked pardon of the Society, saying, I did not mean to do any thing of the kind, but understanding the Society was on a public ground, I should be much obliged to them for one of their resolutions, and then I should leave them to their own deliberations.

Q. Then you were admitted a member in consequence of what you had observed?

A. Yes; the following night, in Newgate-street.

George Lynam, cross-examined by Mr. Erskine.

Mr. Erskine. I have very little to trouble you with, for Mr. Bower has very kindly put the questions to you which I was disposed to put; I think you say you are in the commission line? What sort of commission line?

A. Both in the Birmingham and Sheffield.

Q. At this moment are you?

A. Not now.

Q. How long is it since you was in this commission line?

A. I have been in the commission line, and am in the commission line now.

Q. I thought you said a moment ago, not now?

A. I have authority to sell by commission from different people, but I do not keep, or have any stock left with me by any manufacturer at the present moment.

Q. I should think you have hardly leisure to concern yourself with those sort of transactions, have you?

A. I have certainly leisure, and if I am to answer you how it is that I have directed myself to the business, I shall answer you in a very candid manner, and tell you, that I am making an application for a business in the East-India line; that is, to attend at the Coffee-Houses to take orders from the Captains and Mates, and different officers on board, but I do that business on my own account.

Q. How long is it since you first conceived this plan, it certainly is a reputable one, and I don't find fault with it; how long is it since you set yourself to this enquiry?

A. In a small degree I have done it for I suppose these seven years.

Q. Taking orders for Captains and Mates, and so on, in a small degree?

A. Yes; till the last season.

Q. How long is it since you did any business of that sort?

A. The last season.

Q. And the season before, and so on, for the last seven years?

A. I never did so much as I did the last season.

Q. You was an ironmonger originally?

A. Yes; I was brought up to that.

Q. Where might your shop be?

A. I first of all had a warehouse in Wood-street; I removed from one house in Wood-street to another, and from thence to Walbrook, where I have been ever since.

Q. You keep a shop open there now of course?

A. Yes.

Q. You do?

A. Yes.

Q. You have always kept your shop open then notwithstanding this collateral business at the East-India House, in the commission line?

A. I have always kept a warehouse for wholesale business; I have never been in the retail way since I left Shrimpton and Company.

Q. You was very much alarmed for the safety of the constitution of the country upon reading a paper I think that your landlord had shewn you?

A. Yes.

Q. Should you know that paper if you saw it?

A. Yes.

Q. It is the resolutions I believe?

A. Yes; the resolutions and address. It is the address that was brought out after the original one I stated in the month of March 1792, that was too small; afterwards it became more voluminous, and it has been made use of from that time to the present.

Mr.

Mr. Attorney General. I should suppose it was that of the 2d of May?

A. No; it was the 24th of May, 1792.

Mr. Erskine. Is that the paper, shewing a printed paper to the witness?

A. Yes; it is,

Q. You was alarmed, and immediately said to your landlord, that this was a Society which would bring on the destruction of this Constitution, and of course, as a good subject, you immediately set yourself to enquire into it, and to become a member for that purpose?

A. Yes.

Q. I need not ask you, because it follows of course, that in order to carry on that plan, it was necessary that you should seem to think as they did?

A. Yes.

Q. You was elected a Delegate?

A. Yes.

Q. And you continued a Delegate until the 13th of June, 1793?

A. Yes; as near as I can give you any intelligence.

Q. Then you fell under suspicion, you was tried and was acquitted by a majority?

A. Yes.

Q. And pray, Sir, if I might so far enquire into the forms of your trial, was the trial upon evidence, or was you acquitted upon any declaration of your own?

A. I was tried upon evidence; I was tried upon evidence that was brought forward at the meeting of the Delegates.

Q. Was you asked whether there was any foundation for that charge or no?

A. There were four or five gentlemen brought forward to the Committee of Delegates to prove that I was not a friend to the Society; it took up a long consideration, and it was very late before we parted, and after hearing all that they could say, and from whence arose that suspicion, I was honourably acquitted. I have got down the names of my accusers in the course of my minutes,

minutes, but I did not take any kind of notice of it, not thinking it necessary.

Q. Then being honourably acquitted, you continued to attend the Society regularly?

A. I was discontinued as a Delegate; I believe I served out for that quarter, but in that month I went down into Staffordshire, and into Yorkshire, upon business, upon an order that I had from America.

Q. At what time did you first communicate to any magistrate that you was in the course of this enquiry, and whether you furnished them, or any particular magistrate, from time to time, with the notes you have been reading in Court?

A. I consulted with a friend, and informed him that there were such and such societies about London.

Q. I am not asking you what you informed a friend?

A. It is necessary I should state it; I should be sorry for saying any thing that is wrong, and I wish the world at large should know my reason for doing it; I did not do it of myself, but by advice; it was a gentleman that I had received friendship from at the west end of the town; he recommended me by all means to make a report of it; I did make a report of it, and have done.

Q. And you have done from time to time?

A. Yes.

Q. When was the first of those reports made?

A. I believe the first report that I made must be in the month of October, 1792.

Q. I shall not at present ask you who that person was, and whether the report you made was to any person entrusted with any public station, or merely to a private friend, to any person invested with magistracy so as to act upon it?

A. I do not know how far I am at liberty to answer this question; I made my reports to a person in a quarter that I was well satisfied that a proper knowledge would be had; whether it is by a magistrate, or whether by any body else, it makes no difference, I was satisfied in my mind that these societies would be known by those reports.

Q. If you had told me that it was any body vested with any public magistracy, I would not have asked, but having said it is not a person in that situation, I ask to whom it was?

A. I have not said so.

Q. I wish then to repeat my question?

A. I said I would answer it in the best manner I possibly could, and that is, whether it was a magistrate or any other person, I was satisfied from the quarter I gave my information to, that it was well known that there were these societies.

Q. Did you hear my question?

A. Yes.

Q. Then surely you could not consider that as an answer if you did; I put this question, Was the person to whom you communicated your reports in the month of October 1792, a magistrate of any species or description, from a Justice of the Peace to a Secretary of State?

Lynam. If I am by your Lordship's direction to answer this question directly, I certainly will.

Lord Chief Justice Eyre. I think you may say that it was or not to a magistrate.

A. It was not to a magistrate.

Mr. Erskine. Then to whom was it?

Mr. Attorney General. I object to that question being put; the principle which admits that it ought not to be asked if it were to a magistrate, admits that it ought not to be asked as to any body else; for my part I cannot see what it has to do with the justice of the case.

Mr. Erskine. I am surprised at this objection; is this man to be let loose for seven hours with written papers, and am I not to be permitted to try his credit? when he says that in the month of October, 1792, he informed a person of these transactions, am I not to be permitted to ask him who the person is to whom he made those reports? if he answers it was to such an individual, may I not call that individual in order to shew, peradventure, that these reports had no existence at that time, or that he did not shew them to the person named? I shall be perfectly satisfied with whatever judgment the Court please to pronounce upon

this

this occasion, but I certainly think it my duty to insist upon the question.

Lord Chief Justice Eyre. It is perfectly right that all opportunities should be given to discuss the truth of the evidence given against a prisoner; but there is a rule which has universally obtained on account of its importance to the public for the detection of crimes, that those persons who are the channel by means of which that detection is made, should not be unnecessarily disclosed: if it can be made appear that really and truly it is necessary to the investigation of the truth of the case that the name of the person should be disclosed, I should be very unwilling to stop it, but it does not appear to me that it is within the ordinary course to do it, or that there is any necessity for it in this particular case; all that this witness says is, I did this upon advice; I did from time to time communicate with a friend for the purpose of its being communicated to a magistrate, and in that manner it was that I came to know these transactions.

If there is a rule that the channel by which those communications are made should not be disclosed, that rule I think will extend to this case: I rather think that we have this day determined that there is such a rule, and I cannot satisfy myself that there is any substantial distinction between the case of this man's going to a Justice of the Peace, or going to a magistrate superior to a Justice of the Peace, or to some other person who communicated with a Justice of the Peace, because the communication to a Justice of the Peace, though it may be extremely necessary for the purpose of bringing offences to light, yet will not of itself amount to any evidence.

Mr. Gibbs. With great submission to your Lordships, the way in which the question was put to the witness by Mr. Erskine, was in order to sift his credit, whether what he said now was what he had always said; he asked him this, not who employed him, but whether he had communicated to any body what he had observed at the meetings of these Societies; his answer was, that he had communicated it to a friend: Now with great submission to your Lordships, it is the common practice, that when a man's credit is sifted by being asked whether he has ever
told

told the same story to another person, and he says he has told it to a particular person, he is always asked who that particular person is, if the gentleman who is examining him thinks it worth while to press the examination to that extent.

Lord Chief Justice Eyre. I believe in general, where it is not at all accompanied with the circumstance of its being a channel of communication to Government for discovery, that what you say is true; and the only question is, whether there be such a rule for the sake of enabling the Crown to watch over and detect great offences, the channels of communication are not to be disclosed. If there be no such rule as that, your proposition is right: it appears to me that there is such a rule, and that we have this day determined that such a rule exists; and I do not feel a distinction between this case and that.

Lord Chief Baron Macdonald. Ask him if it was any servant of the public?

Mr. Erskine. Was it any servant—

Mr. Attorney General. I am sure I am addressing a Court that will always excuse a Counsel, in any situation, who is acting upon public grounds, if he should happen to be mistaken. I submit to your Lordships, that the question which Mr. Erskine was about to put to the witness, is not a question to be put. With respect to what has been stated, as the principle upon which the question was originally put, your Lordships will permit me first to state what was the fact at the time that this objection arose. My learned friend asked the witness, whether the person to whom he made the communication was or was not a magistrate? As I understood the answer of the witness, it was to this effect; that he made the communication to a person who was in such a situation that he had no doubt that the conduct of those societies would be watched by those whose duty it was to attend to it. The question immediately put upon that was, if it was not a magistrate, who was it?

Now I know I ought to state with great diffidence, any opinion of mine upon a question of evidence, not having for years attended any of the Courts of law, not knowing what the practice of the Courts is at this day, and not being therefore able to state from principle what rule is to be deduced from that practice;

practice; but in the course of the early period of my life I have had a good deal to do with this sort of business in the Courts of Law, and I beg humbly to state my own opinion, that if the rule with respect to asking a question of a witness be that he is to disclose the channel of communication to a Magistrate, that a question pointing at persons who stand in situations, where they cannot be strictly stated as acting as Magistrates, but at the same time have respect to the public office of magistracy, is a question that is not to be put.

My friend says, ought I not to try the credit of the witness? I happen, in the habit of my own profession for the last six years, to know the practice in the Court of Exchequer; it is a sort of thing that occurs every day: a witness says, I had an information that the defendant had committed an offence against the revenue laws, for which he would incur a forfeiture of thirty thousand pounds, if you chuse so to state it. What is the principle upon which the Court, say you, shall never ask where he got that information? It may be said, it is necessary I should know this, because it may be extremely essential in trying the credit of the witness who speaks to other facts, that I may know his credit as to other facts, by trying how far he is credible to the facts he states of A. or B. But what says a Court of Justice. A Court of Justice does not sit to catch the little whispers or the huzzas of popularity; it proceeds upon great principles of general justice; it says that individuals must suffer inconveniences, rather than great public mischief should be incurred; and it says, that if men's names are to be mentioned who interpose in situations of this kind, the consequence must be, that great crimes will be passed over without any information being offered about them, or without persons taking that part which is always a disagreeable part to take, but which at the same time it is necessary should be taken for the interest of the public. I say then, that the objection to the question now proposed to be put, always stating that objection, with the utmost deference to your Lordships, which I do from a sense of duty founded upon what I think the clearest principle of duty to every individual who forms a part of the community. I state this—that after

the witness has distinctly said that he mentioned this to a person who was to communicate it to those who would necessarily take care of the interests of society, in consequence of that information being communicated, that that channel of communication brings the name of that person within the rule the Court has laid down.

Mr. Justice Bullar. Did the witness say he mentioned it to this friend for the purpose of its being communicated to a public officer?

Mr. Erskine. No.

Mr. Justice Grose. "I am satisfied that from the quarter where I gave my information the Societies would be known;" I believe those were the words.

Lord Chief Justice Eyre. I have it thus: "He made a report to one, who, he was certain, would communicate it, but not to a magistrate."

Mr. Gibbs. I think he said before that, "I consulted with a friend who recommended it to me."

Lord Chief Justice Eyre. He did so.

Mr. Erskine. The manifestation of innocence is as great a principle in the administration of justice as the punishment of crimes.

Nr. Attorney General. Most surely.

Mr. Erskine. I will go back again, with the permission of the Court, in my examination. You told me that in the month October, 1792, you made a report; by making a report, do you mean that you shewed that book to any body in November, 1792, which you have been now reading from?

A. I did not. Your original question was to know how it was that I gave a communication; there has been a misunderstanding, how it was that I did give any information; I told you I was advised by a friend to give a communication, and that from him I was recommended to give that communication, and I gave it in a quarter—I believe these were the express words—I gave it in a quarter that I was well satisfied that it would be known, that there were these sort of Societies in London; the mistake that has been made is, that I continually communicated

with

with this gentleman that I first of all consulted: I never saw that gentleman afterwards; but the channel, the quarter that he directed me to, I pursued all the way through.

Q. You was advised by a friend, to whom, no doubt, you had communicated what you knew, to make that communication to a person whom that friend recommended?

A. Just so;

Q. Was that friend, who advised you to make that representation, a magistrate?

A. No.

Q. Then who was that friend?

Mr. Attorney-General. I really must object to the question.

Mr. Erskine. My question is not—who the person is to whom his friend recommended him to make the communication, because he has said that the person he went to, by the recommendation of his friend, was a channel from whence Government was likely to be informed; therefore I did not mean to put any question in the teeth of what the Court have resolved: But I have only this to say, that I was not present in the morning when your Lordships determined it. My question now is, who was the friend (which friend was not a magistrate) that did advise the witness to make the communication to another person?

Lord Chief Justice Eyre. If the principle be right, I am of opinion it extends to that question, because the disclosing who the friend was that advised him to go to a magistrate, is a thing which puts that friend in a situation into which he ought not to be put, and which it is inconvenient to general justice that he should be put.

Mr. Erskine. Supposing, for instance, that I were in possession of evidence, but which I could not possibly produce to contradict this witness, that he had made no such communication to any living being at that time; that this is all an invention and fabrication, (I state it only for arguments sake, which I have a right to do) how is it possible I should do it, if I cannot be allowed to extract from the witness who the person was to whom he made the communication, and who advised him to give in-

formation to some other person. It will be asked, is it an honourable thing? Is it to be supposed that, in this country, the law and the liberty of the subject—and, I trust, that the law and the liberty of the subject will always go together, and I hope in God that the time will never arrive when the huzzas of popularity shall be against the Government and Administration, but that the Government and Administration shall be so conducted as to carry along with them those huzzas of popularity which always attend a government well administered—if that be so, all I want to know is, that which can expose no man to contumely, namely, that he has advised a person, who tells him that he has discovered something, which, erroneously or otherwise, he conceives to be a conspiracy against the public, and, he says, go to a magistrate.

Suppose I was to advise any man who told me he had discovered something which he thought the public were interested in knowing, I should say, I am busy, I am no magistrate, I advise you to go to the Secretary of State, and tell it; should I think I was at all brought in question for having given an advice which I could stand to in the face of the whole world; how then can the public be affected by it, if I was to go on to ask him afterwards, who is that friend to whom you made that communication? If it were not for what the Court has already pronounced, I should say, that the same argument will even go further, namely, that if I were to call upon the man to whom he made the communication, I could not extract from that man any thing he said, but I could ask that man, did the witness make the communication to you? Suppose the witness says, I communicated this in the month of November, 1792, to Mr. White, the Solicitor of the Treasury, should not I have a right to ask the Solicitor of the Treasury, whether that fact were true or no? I could not go on to ask Mr. White what he did communicate to him, but I could ask him, whether, in point of fact, he had communicated it to him? And if he were to say, I never saw the man in the month of November, 1792, at all; I got the communication from another channel; I never saw his face till I saw him in this Court, would not that shake the cre-

dit of the witness with any man of understanding? I apprehend it would.

It seems to me, therefore, with the greatest submission to the Court, that the public is guarded by that distinction; and, in the course of the discharge of my duty at the bar, I hope I shall so distinguish the cases, that, in preserving the lives and liberties of those who are to be tried, the Law and Constitution of the Country may thrive along with them; and they never can thrive unless they thrive together. I think there is wholesome justice in it. All I propose to ask this witness is the first question; I cannot ask the second, because I will not attempt to ask what the Court has decided must not be asked; I submit he must state the name of the person to whom he communicated it; then have I not a right to subpoena that person. I will then ask, when did you tell it him? at what place? who were present? Then I ask that person, is it true? But if I were to go on further, and ask, what did he communicate? in order to try the truth of this writing, there your Lordships would stop me. I apprehend that is the distinction.

Mr. Gibbs. I submit to your Lordships whether this is not the distinction: That where an informer in the Exchequer proceeds upon an information of facts—communicated by another person, that he should not be called upon to disclose the person giving him the information: But it is perfectly new to me, I confess. I have no doubt it is my ignorance, I mean blameable ignorance, because I ought to be better informed in my profession; but I never have met with an instance in which it has been objected to asking a witness, upon cross-examination, who the person was to whom he communicated a fact that he states, because it happens that the person to whom he did communicate that fact, did advise him to communicate it further to a magistrate. I know it is established in the Court, in which your Lordship long presided, that where an informer has communicated facts to a person, and that person has acted upon the communication of those facts, they cannot ask who brought those facts to his knowledge; but when you ask a witness, whether he has communicated it to any other person, and he

tells you he has, whose name he does not mention, because he says that person advised him to communicate it to a magistrate. I think it never has been held, in a Court of Justice, that that was an objection to the question.

Lord Chief Justice Eyre. There is some doubt in the Court how the fact stands, whether, in consequence of the first advice that he received from his friend, he afterwards disclosed those circumstances to the same friend, by whom he supposes it to be communicated regularly to some magistrate; or whether he applied to some other person. I understood him that he applied to some other person himself.

Lord Chief Baron Macdonald. My reason for wishing him to be asked, whether the person, to whom he originally made the communication, was a magistrate or not, was exactly upon the same principle as my Lord Chief Justice now states. I could wish it to be distinctly known, whether the person to whom he first mentioned it was the person that communicated it to a magistrate, or a person who simply advised him to communicate it to a magistrate.

Mr. Attorney General. I wish to have it understood that the objection I now take is this: That Mr. Erskine has no right to ask the witness who it was that advised him to give the information to a person who stands in the situation of a magistrate; for, I say, the person, by whose advice the information is given, is, to all intents and purposes, the informer. I wish to explain myself; who this person was, and what effect it may have in the evidence, it may be impertinent to suggest; what it is intended to prove, really I do not know; but your Lordships will recollect that I stand here as the prosecutor for the public; if I were in my own cause I could sacrifice, at my own pleasure, principles which appear to me to be the principles of public justice; but, in the situation in which I stand, I do not know how I can regulate my conduct better towards the public, and towards the prisoner, than by acting upon the principles of law, as I understand them, admitting, at the same time, that no man is more likely to be mistaken: But this I will say distinctly, that I would not trouble your Lordship with the objection that I am now stating,

stating, if I was not perfectly convinced, upon the best judgment I can form, that the question cannot be put to the witness; and I mean, according to my duty, and with very humble deference to your Lordships, to beg to have your Lordships' opinion.

I know very well that it may be very strongly argued, as it is very strongly argued by my learned friends, why, how are we to find out whether a witness does or does not speak truth? If we cannot ask him this sort of question—who advised you to do so and so? Suppose he says Mr. White, the Solicitor for the Treasury, should not I call upon that gentleman? not, says my learned friend, (and I wish your Lordships to try this reasoning) not to ask what were the particulars of the communication, but to ask the fact, whether this person did or did not advise with him in the year 1792? Now what is the reason that you cannot ask the particulars of the advice? The very same reason why you cannot ask to the fact, whether he advised with him or not, videlicet, that in the given case it supposed a principle of public justice, which overbalances the private mischief that happens in the case stated.

In the Court of Exchequer it unquestionably happens every day, that a witness says I received an information that there were run-goods at such a place, I went there, and found them. There it is impossible to deny that the reasoning is just, which says, that the credit of a witness may be tried by asking him, who did you receive the information from? where? under what circumstances? and if the man were bound to answer to those questions, and he had spoken falsely, with respect to the when and the where he had received it, or under what circumstances, if it rested upon his evidence, when you had falsified it with respect to the preceding particulars, you could not believe him as to the subsequent particulars, and the defendant must be acquitted. Nobody will deny but that it is a hard case, but it has become a settled rule, because private mischief gives way to public convenience; and it is an hardship which occurs in particular cases, in consequence of the necessities of public justice.

To explain myself—without making any professions respecting my own conduct, I might fairly say, I ought to have my gown stripped off my back, if I, acting upon any thing but conviction that I am right upon principle, and a principle that I cannot, in my situation, sacrifice—suppose the prisoner now trying, in the course of a transaction of that kind, where the consequence of his being convicted was not what it is in this sort of case, but that which, with respect to his pecuniary fortune, would ruin him over and over again, the abstract justice of the case is exactly the same; and yet it is quite clear that that direct question, who gave you information, in consequence of which you prosecute for those penalties which are to ruin the defendant? could not be asked. Then I ask this, whether, in common sense, and upon principle, the man who advises him to inform, is not substantially and really the informer—and whether the principle of law, which has said that you cannot ask this question, because the consequence of asking the question will be, that those who may not have nerves so strong as my friend and myself, who would not care a farthing if our names were mentioned; but great numbers of persons in the world would not choose to have their names mentioned on such occasions; and with respect to that feeling, call it fear, or imprudent reserve, it is a substantial principle in law, that a man shall not have his name disclosed. I have thought it my duty thus to state the grounds of my objection. I have made it, because I am convinced the objection is right; when I state that, your Lordship will easily believe, I do not mean to contend that it is right, because I am convinced it is right, but because I cannot, I think, discharge my duty to the public without stating my objection as I feel the objection; and in cases of this great weight and importance, and indeed in any case, I do not know how the Attorney General of the country can proceed more safely than according to his own notions; they may be mistaken ones, but according to his own notions of what the rule of justice is,

Lord Chief Justice Eyre. I, for my own part, adhere to my opinion. I think we must stand upon the principle, and that
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when we run into very nice distinctions upon a principle, we get into difficulties from whence I never know how to disentangle myself, or to relieve my mind. The question is, whether, if it be opposed, any of the channels, by which this information and discovery comes to the officers of the Crown, should be unnecessarily disclosed? I say unnecessarily, because it is no part of this fact at all whether this man did or did not mention this circumstance to this friend of his, or whether this friend of his gave him any particular advice. The only way in which it is permitted to be asked is, because it may enable the defendant, by drawing out circumstances collateral to the fact, to establish a contradiction to the witness upon those collateral circumstances, and so to affect his credit. Now that would be true of every question that the wit of man could suggest; yet, undoubtedly, there are many questions which, even upon a cross-examination, a Counsel is not permitted to ask. My apprehension is, that among those questions which are not permitted to be asked, are all those questions which tend to the discovery of the channels by whom the disclosure was made to the officers of justice; that it is upon the general principle of the convenience of public justice not to be disclosed; that all persons in that situation are protected from the discovery; and that, if it is objected to, it is no more competent for the defendant to ask who the person was that advised him to make a disclosure, than it is to whom he made the disclosure in consequence of that advice—than it is to ask any other question respecting the channel of communication, or all that was done under it. I never can distinguish, for my own part, the cases; if my brothers are satisfied there is such a distinction, I shall be glad to submit to their opinion; but I think the principle extends to this case; for, undoubtedly, an immediate answer to the question puts the person, who gave this advice, into the situation described by Mr. Attorney General, of being, in substance, the informer to Government of this transaction which this man discloses. I am of opinion, therefore, within the general rule upon this subject, the question ought not to be asked.

Lord Chief Baron Macdonald. It seems you are agreed now
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with respect to this fact, namely, that the person, to whom the witness says he made the first disclosure, was neither a magistrate, nor any person concerned in the executive government of the country, and that from that person he received advice no longer to apply himself to him, because that was of no use, but that he should apply himself to some person, either in a magisterial character, or in some way concerned in the government of the country. There is no rule more sacred, undoubtedly, than that you ought not to ask any witness a question by which it should be disclosed to what magistrates or officer of the executive government he gave communication; and were I satisfied that the friend, to whom he disclosed this matter, was in any way a link in the communication, or a channel truly and substantially in the communication, I should certainly think that rule applied to him. On the other hand, it seems to me that upon a cross-examination it is material, when a person at a distance of time gives an account of transactions, to know whether it was then for the first time that he gave that account, or whether he gave that account recently after the transaction, or when he gave it, as that is a matter from whence important inferences may arise for the defendant.

I think that that question should be asked, unless there should be a very great public inconvenience on the other side, which renders it much better for public justice in general, that the defendant should lose the benefit of that question. In the particular instance it does appear to me, that a person not executing magistracy is in no situation to make it dangerous. A mere private person simply saying, do not come to me, but go to some person that can be of use, I think—as no possible disadvantage can arise in a case of that kind—it is a fair question to be asked, in order to ascertain how a matter of this sort, alarming him, and attracting his attention, was or not revealed by him. I mean to draw the line distinctly in this way, that this person not being connected either with magistracy, or the executive government, it does not seem to me, in point of fact, to fall within the rule, which rule I hold sacred.

Mr. Baron Hotham. The witness has said, he communicated this to his friend, under an impression and full persuasion that
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through him the intelligence which he gave was to be conveyed to a magistrate; that he has distinctly said. Now the question, as it seems to me, does turn upon the principles of public policy. I confess, for my own part, that upon those principles I cannot see any distinction between making a disclosure to the magistrate himself, or making it to any person who is to communicate that disclosure to the magistrate; the principle is, that public justice demands, in many cases, that sort of secrecy, without which government could not be carried on. There are many cases, we all know, where it is of the last importance to us all that such secrecy should be observed; and it is admitted on all hands, that if the communication is made to a magistrate, you shall not oblige the witness to disclose who that magistrate is; that is for the purpose of public justice to the country. Now here this man has communicated to his friend, for the purpose, and under the persuasion of his going directly to a magistrate, being advised by him to do what he did. I cannot myself, I confess, distinguish the situation of that friend from the situation of a common informer—and we know very well that it would not be permitted to ask that question of him—here I consider this (I am sorry to differ from my Lord Chief Baron) as a link of the same chain; I do consider that it makes no sort of difference whether the intelligence is directly conveyed to the magistrate, or by more indirect means; the purpose for which it is disclosed to this man is, that of being conveyed to the magistrate; and I think upon principle that public justice would be defeated if such a thing was allowed.

Mr. Justice Buller. Cases have been alluded to respecting offences committed against the revenue laws, and therefore I paid the utmost attention to what has fallen upon this subject from my Lord Chief Justice, my Lord Chief Baron, and my brother Hotham, because they are better acquainted with those cases than I am. The principle, as taken from them, I should be disposed to pay the utmost deference to, and I think I do not differ from my Lord Chief Justice in the principle he has laid down; perhaps in the application of it I shall differ only a little,
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and I fancy my brother Hotham and I differ in the application of the law, rather than in the application of the facts.

My Lord Chief Justice, and my Lord Chief Baron, both say, the principle is that the discovery is necessary for the purpose of obtaining public justice; and if you call for the name of the informer in such cases, no man will make a discovery, and public justice will be defeated. Upon that ground, therefore, it is, that the informer, for the purpose of a public prosecution, shall not be disclosed. This principle goes to exclude the question respecting the second person, that is, the person to whom the witness, after having consulted his friend, went to disclose all that passed; but the material thing to be considered here is, whether the witness should answer the first question. Now let us see how that fact stands. I agree with my brother Hotham, if a middle man is made the channel of communication, he ought to receive the same protection as the first person to whom it is mentioned; but upon the fact of this case I take it to be quite otherwise, because the witness, according to the evidence he has given, does not communicate to another man, for the purpose of prevailing upon that other man to go to a magistrate to make the disclosure, but consults him merely in the character of a private friend, reserving in his own breast to determine afterwards whether he should or not make that discovery, which should or not draw the attention of any person in office.

Now if his first conversation was merely with a private friend, in order to make up his mind whether he should or not make the discovery to some person afterwards, for the purpose of enquiry or prosecution, and reserving in his own mind whether he should or not follow the advice of that private friend, it seems to me the case is different, and this is, I think, an answer to the arguments Mr. Attorney General has used; he has ably and ingeniously put it upon this ground, that the person who gave the witness the advice is, to all purposes, to be considered as the discoverer. I cannot agree to that, because it never was the intention, in the communication made by the witness, that his friend

friend should be the discoverer; he only asked him some questions for the purpose of making up his own mind whether he, the witness, should make the discovery or not; therefore I cannot consider that person, who was merely consulted as a private friend, as being the discoverer. My opinion upon the whole is, that he ought to answer the first question, but not the second.

Mr. Justice Grose. In this case, it seems to me, that we all agree about the principle, the question is, who is right in the application of that principle; for we do most perfectly agree in this principle, that the name of the *informer* is not to be disclosed; that is the law stated; that is the law agreed and argued upon by the Counsel on both sides. Then the question in this case is, whether this person, whose name is asked, is to be considered as the informer. Now the evidence is this; I consulted with a friend, who advised me what to do, and to make a report. I did so, and I have done it from time to time. Then in consequence of whose advice is it that this is done? In consequence of this man's advice, whose name is now asked. If it is in consequence of his advice, I must confess it does seem to me that, essentially and substantially, and according to every idea of good sense, he must be considered to be the informer: But it is very true that, perhaps in the course of this investigation, the name of some other person may be enquired, whose name it may not be competent to ask, and the reason may be this, that in the course of this business there may be more informers than one, and the same principle that applies to one, will apply of course to the others; and when I find that the evidence is, that this man advised the witness what to do, I must confess that the witness having acted in consequence of that advice, he seems to me to be as essentially the informer as any one person can be in this case, because if it had not been for his advice, *non constat*, that this would have been done. I therefore, however unwilling I am, and I am always exceedingly unwilling in a case where life is at stake to shut the door of evidence, yet where a point of great constitutional law, that which is to affect the public justice of the kingdom is in question, I must decide upon it as my
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conviction tells me is right, at the same time lamenting that there should be such a difference in the Court as there is now, because I am very willing to confess, that it has not been the habit of my practice, never having sat in that Court, where those questions most frequently arise, to decide upon those questions; but, however, the little ability I have I must employ upon the subject; and taking the rule and the principle to be, that the name of the informer is not to be disclosed, I can only look to whether this person, whose name is referred to, is the informer or not; he appearing to be essentially the informer, I think, according to the rule of law, the question ought not to be put.

Mr. Erskine. Did you communicate any other part to this person from whom you received that advice?

A. No.

Q. Was that before or after you had been at the Society?

A. After.

Q. How long after?

A. I communicated it in the month of October: immediately after I knew that there were Societies of this sort, I communicated it to this friend of mine; he is a gentleman of very considerable property—

Q. Let us have nothing about him. Now you know it is not legal to name him, you are going to give me a description of him.

A. His advice to me was, to give information; this was after I was acquainted that there was such a Society as the London Corresponding Society; in consequence of that advice I gave information immediately, which was in the same month of October, 1792, and I continued it to the month of February.

Q. Did you communicate your reports in writing from time to time?

A. In writing.

Q. Did you give copies of them?

A. I gave copies.

Q. You have nothing else, have you, in your book, except that which relates to this business?

A. I do

A. I do not immediately recollect—I believe I have some.

Q. In that book you have been reading from most of the day?

A. I have two of them.

Q. Is there any thing that relates to your private business in either of them?

A. I have some private memorandums.

Q. Fold them down, if they are loose; we do not want to concern ourselves with your affairs, or any thing that does not relate to this business. Did not you appropriate these books for this sort of information?

A. I did.

Q. What leads you then to apprehend that there are any other matters relative to your other business in them?

A. I have this reason, because I had a communication, and had information from different gentlemen; and, occasionally, I made a memorandum of that communication, and I should not wish for that to be seen.

Q. Look over your book.

A. It is impossible for me to do it in this light; I will look the book over; I have no objection; I will go into any room and look it over, and I shall give you the book with the greatest pleasure imaginable.

Q. I am not asking any favour of you, or wishing for any thing that I am not entitled to have.

A. I do not wish, by any means, to report any thing but what is absolutely the fact; nor would I wish to withhold any thing that I do not think is right to be withheld. I know there are some private memorandums, and it is impossible for me to look them through now, while I stand here.

Q. Then take those out, and let us have the book to-morrow.

A. I am very ready and willing.

Mr. Attorney General. You will attend to what the gentleman says.

A. I am perfectly willing.

Mr.

Mr. Erskine. You have some papers that are not mixed with any thing of that sort?

A. I am not sure that there are no memorandums of that kind on them.

Q. Was it the custom at these meetings of the Delegates of the Corresponding Society for the members to take notes of all that passed?

A. That was always a regular rule.

Q. For every Delegate to set down every thing that passed?

A. Sometimes there was a communication which has been conceived by the Chairman not proper to be communicated to the Divisions; and Margarot has said, you must not communicate this; and as to this book that you are asking for, the Delegates were allowed to take reports or information, whether from the Chairman, or any of the Delegates, either with regard to a letter, or any other matter. The Chairman has said, though you are informed such a thing has been wrote or has happened, though you are allowed to take a minute of it, we tell you it is not fit it should be communicated to the Divisions; but that notes were allowed to be taken at all times is true.

Q. I am not asking what was allowed, but whether it was the practice?

A. It was the practice every night.

Q. It was the practice for other members to do as you have been doing, to set down, in a loose paper, or in a book, all the transactions that then happened?

A. It was.

Q. And the substance of what every body said?

A. I have heard of some reports made by other people; this circumstance might strike me, and another circumstance might strike another, which I might not take particular notice of, or think it worth while to put down.

Q. You do not profess that what you have been reading is a regular account of the most material facts that occurred; but that they were such as were most suitable for your purpose to set down?

A. I do

A. I do not know how to answer that question, as you put it. I do conceive that a Delegate, being sent to know what business the Society was transacting, that he should take the best account of it that he possibly could.

Q. That was when a man was really a Delegate, but you was not there as a real bona fide Delegate, but for the purposes of justice?

A. I was elected a Delegate, as I stated, in the beginning of November, 1792, and continued so till the month of June, 1793.

Q. I do not seem to make myself understood; did you set down every thing faithfully that passed, or only select such matter as appeared most material for the public to know.

A. I put down every thing I possibly could; but I did not put down every thing that did pass, nor was it in the power of any of the Delegates to do so; but it was the invariable practice of the Delegates to make minutes either upon paper, or in books, for the purpose of communicating what had been transacted at the meeting of Delegates at the next division, at their meetings, on different nights, from Thursday to Thursday.

Q. Then those are the very reports that you would have made, had you been bona fide a Delegate, and doing your duty as such to that Society?

A. I made these notes as a real bona fide Delegate to No. 23. I made those reports at that division.

Q. Have you been in no other way of dealing, but an ironmonger, and in this commission way; have not you kept a china shop?

A. Never.

Q. When you communicated to this person, who, you thought, would go and communicate it to a magistrate, did you rest satisfied that your friend would do so; or did you at any time go to a magistrate yourself.

A. I informed you, when you asked me that question, that the information, was not given to a magistrate; I told you that it was by the advice of a friend, who confirmed my own opinion, entertained at the first. When I found this Society at the sign of the Mansion-House, it was absolutely necessary it should be known;

known; he recommended me to that quarter, which quarter I was persuaded was that of a certainty.

Lord Chief Justice Eyre. You are asked a simple question; Did you yourself go to any magistrate?

A. I went to no magistrate; but was advised to go to another quarter, and I went to that quarter——

Lord Chief Justice Eyre. I wish you would not overpower the Counsel or me with words. You are asked a simple question, whether you did, or not, go to a magistrate?

A. I did not.

Mr. Erskine. Did you learn from your friend, whose name I do not ask, whether he had, in point of fact, laid from time to time, the communications before a magistrate, that you laid before him for that purpose?

A. I gave that information myself.

Q. Did you deliver your reports, from time to time, to that quarter; or did you deliver them immediately to some magistrate?

A. I sent them to that quarter.

Q. When you say that, you mean you sent them to that person, to whom your friend recommended you to send them?

Lord Chief Justice Eyre. He never said that his friend advised him to a particular person; if he did I have mistaken him.

Mr. Erskine. Did your friend advise you to lay them before a particular person?

A. He recommended me to a particular quarter.

Q. A quarter; was it a man or a woman?

A. That I cannot answer.

Mr. Erskine. Not whether it was a man or a woman?

Lord Chief Justice Eyre. Certainly not.

Mr. Erskine. Was it to any particular person that you was advised, by your friend, to make this communication; or did he only advise you generally to make this communication to somebody?

A. The best way of explanation is to say, that the person he recommended me to, recommended me to a third person, and to that third person I gave the information and continued it all the way through.

Mr.

Mr. Justice Buller. Mr. Erskine, You cannot pursue that question further.

Mr. Erskine. How long was it after the time when you was tried and acquitted, before you came to the Society again?

A. I attended the Society all the way through, though not as a Delegate—I was a Delegate to February, 1794.

Q. I observe you do not take down who it was that made use of any particular expressions?

A. In the course of the memorandums that I have made, I have got names.

Q. I know you have—in general in your book you don't profess to have taken down the words, but only the substance?

A. Yes.

Q. If a person delivered any opinion, which opinion might be at some length, you made the best abstract of it that you could, merely to say that that was his opinion or his argument?

A. It is so; names are put to some, and not to others.

Q. If any individual reported a paper, made an observation, or made an argument, you took down just an abstract of that, in your own language?

A. I did.

Q. Were they taken down, bona fide, to be reported as a Delegate; or were they taken down for the purpose for which we have had them here?

A. They were taken down for the purpose of reporting as a Delegate, and for the other purpose too.

Q. Then it was perfectly bona fide, with regard to the society, and, at the same time, bona fide, with regard to the public?

A. Just so.

Q. Have you made any alteration in your minutes since the time you made them?

A. I have not; but I was going to say this, there are some private memorandums that are in this book, which do not belong to the society; those private memorandums are wrote at the back of the society's minutes; those are such as, I think, it

would be very improper for me to deliver up, and therefore I wish to know what I am to do in that case.

Q. Cannot you paste something over them?

A. I could do it, if I was allowed time.

Lord Chief Justice Eyre. It is always usual, and very reasonable it is, when a witness speaks from memorandums, that the Counsel should have an opportunity of looking at those memorandums, when he is cross-examining that witness. If there is any thing that you say, upon your oath, does not relate to that subject, but some other subject, to be sure it is impossible that it could be asked, that that should be seen; how to arrange that in a very long evidence, like this, is among the difficulties of so extraordinary a case as this is; we must struggle with it as well as we can; whenever you are at leisure to go through the subject with him, if he holds his papers in his hands, you can ask him, as to his minutes, if they could be separated by pasting over, or if, with safety, by obliterating those parts——

Lynam. I could obliterate them with a pen and ink, but there is no erasure, to my knowledge, as they stand now.

Lord Chief Justice Eyre. Could you obliterate those memorandums which concern other people, with a pen and ink?

A. I could.

Lord Chief Justice Eyre. Have you any objection, Mr. Erskine, to his obliterating his other memorandums with ink, you enquiring of him, upon oath, whether he has obliterated any of those articles to which he spoke, when he gave evidence?

Mr. Erskine. None.

Lord Chief Justice Eyre. In a common case, it is the usual course, for the Counsel to take the memorandums in his hand, for the cross-examination, but, in this case, I do not see how it is possible to do this; this is a history, an important and material history, to be sure, of the different branches of this society, as it is formed into divisions, acting by commission of Delegates for the whole; and it has so happened, that here are the transactions both of the divisions, and of the Delegates, that are now laid before the Jury; of course it must run into great length; I cannot

cannot say into more length than its importance requires ; we are ready to do all that we can to assist you, consistently with not obliging him to discover what does not relate to this cause.

Mr. Erskine. Am I to understand you (and this is the only question I shall put till I see these minutes) do you mean to re-swear, that what you have read to-day, as minutes taken at the time, are the same minutes which you would have, bona fide, taken as a Delegate, had you not had this other view which you have before described?

A. I will swear that.

Q. And the other Delegates were in the course of taking similar memorandums?

A. Yes.

Lord Chief Justice Eyre. I understood him to say, that he did, in fact, make his reports from these minutes; if he did not make his report to the Division from these minutes, he must have had another set of notes, for he must have made some, from the nature of the thing; for they were to report to the Division every thing that passed among the Delegates, that did not come under the head of secrecy, on the next day of holding that division meeting; therefore it must be from some materials; consequently, if he has dealt fairly with us, these are the minutes.

Mr. Erskine. I shall only desire to look at them in the morning; perhaps I shall not put any questions.

Lord Chief Justice Eyre. I should, if I were in his case, put the book into your hand, without any difficulty, stating the parts that do not relate to this cause;—then he will take his minutes, and obliterate those parts that do not relate to this cause against to-morrow morning.

Mr. Maclean called again.

Mr. Attorney General. Did you find that paper (*shewing it to the witness*) any where?

A. Yes; I found it in the house of Mr. Adams.

(It was read.)

Extract of a Letter, dated Sheffield, 13th of October, 1792, signed, "The Editor of the Patriot," addressed to Mr. Andrews, Secretary to the Society of the Friends of Universal Peace, and the Rights of Man, at Stockport.

"IT only remains then for us, seeing the great and innumerable difficulties we have to encounter, to cast about for the most likely and proper means and weapons by which to defend ourselves, and to forward and support such measures as it may be necessary to pursue; and, on this head, my good Sir, permit me to impress it on the minds of your society, that Reason, imperial Reason, must ever be our Generalissimo, or Commander in Chief; when I say this, I beg leave to add, that Art must be second in command; by the word, 'Art,' I do not mean craft or cunning, but that mode of application of our reason and arguments on different men, and on different occasions, which only a considerable degree of study, and practical knowledge also, of men and manners, can ever furnish us with, so as to make us proficients.

"Allow me then to observe to you, Sir, that I perfectly coincide with you in opinion, with regard to the different societies appointing Delegates to go into the different villages, and country places, for the purpose of informing their minds, and rousing them from the lethargy in which they seem plunged. I have already communicated the same idea to the London Constitutional and Corresponding Societies, and to those of Norwich and Manchester, and I hope it will soon be universally adopted by every one. But the grand object to be attended to, on this head, is the choice of men to be appointed; a neglect of this kind had like to have had very awkward consequences in this neighbourhood, and, if not immediately checked, would have injured the cause of Freedom very greatly; infinite care and circumspection will therefore be necessary on this head.

"As-

" As I am on the subject, permit me to suggest to those
 " members of your society, who may undertake this arduous,
 " but honourable and praise-worthy task, that they cannot be
 " too cautious in their mode of proceeding. The minds of
 " men, for the wisest and best purposes, are formed by the
 " great Creator as various and unlike each other as their faces,
 " and their passions reign over each with the same uncertain
 " and variegated sway; and in the same manner that Sir Robert
 " Walpole (one of the Elders and Fathers of Corruption) very
 " justly observed, that every man has his price in the way of
 " being bought; so we may fairly apply the same maxim to
 " mankind in general, in the article of persuasion, and the
 " dexterous method of bringing them from wrong opinions they
 " may have formed, or prejudices they may have imbibed, by an
 " attentive observation of their intellectual faculties, and that
 " leading passion of the soul which governs the main spring of
 " their most material actions. For example, the generality of
 " Farmers in this county and Lancashire, are as ignorant as
 " the brutes they ride to market, and so absorbed in the sordid
 " idea of getting, that, provided they can keep up the prices of
 " grain, cattle, &c. so as to answer their landlords, and pay their
 " taxes, however enormous, they are too sluggish and indolent
 " to think about reforms, or any thing of the kind, yet there
 " is one string about their hearts, which, being skilfully touched,
 " will make them dance to any time, and move to any measure.
 " This is the subject of tythes; and why does it touch them?
 " Why, Sir? Because it is within the scope of their limited
 " capacity. Ignorant as they are in other matters, they see
 " and pungently feel the weight of this baneful and unjust de-
 " vourer of all their improvements in Agriculture and Hus-
 " bandry; and I believe, did every tax operate in the same
 " visible degree which this imposition does, I fear there would
 " be an end to the idea of taxation being submitted to at all.
 " Indeed, as taxes are laid on, at present, by those who do not
 " represent us, the taxation is neither more nor less than a
 " Robbery; a submission to it, Slavery.

" But to return to my subject. In the same manner that a

" Farmer may be roused by the mention of tythes, the Shoe-
 " makers may by the excessive dearness of leather, the Innkeeper
 " by the numerous and unnecessary standing army, and all by a
 " temperate and dispassionate relation of the immense number of
 " sinecure places, and useless offices, in which the corrupt and
 " prostitute favourites, agents, and dependants of the rich and
 " great, riot in the spoils and plunder wrested from the sweat of
 " the brow, and continual labour of the body of the Husband-
 " man, the Mechanic, the Labourer, and the Artificer. It is
 " by no means a difficult matter to raise general indignation
 " at the idea of so small a comparative number of useless, idle,
 " and profligate drones, sucking and squandering away the honey
 " produced by such immense numbers of hard-toiling and indus-
 " trious bees. If you (for I am certain you will be one of
 " the most active of these Delegates) meet with men who have
 " violent prejudices in favour of any abuse or party, never attack
 " those prejudices directly, for that will only inflame and confirm
 " them the more; pass them over for the present, and engage
 " their attention towards something else, in which they will
 " listen with a less degree of apprehension of being attacked in a
 " favourite point; once gain their good opinion, and open their
 " eyes to one evil, they will be more ready to hear you on
 " others; till, at last, the favourite object by which their eyes
 " were jaundiced, will appear in its true colours, and fall before
 " your arguments like all the rest.

" There is one thing above all others which requires to be
 " particularly attended to, and that is, to endeavour to undeceive
 " the mass of people, with respect to those falsehoods which
 " have been industriously propagated by the enemies to a Re-
 " form, in order to blind, delude, and terrify all ranks of people
 " who are any way independant, or possessed of property. One
 " of these falsehoods is, "that the advocates of Reform wish to
 " introduce a levelling scheme, or an equal partition of pro-
 " perty." This alarms the Farmers, and indeed all classes of
 " men, who, by their industry, or other adventitious circum-
 " stances, are possessed of the goods of this world. So many
 " vile ministerial prints as have propagated this doctrine, aided

" and

" and assisted by the private representations, or rather mis-
 " representations, of the Clergy, and other tools of Government,
 " and of privileged orders, have had a very wonderful and
 " baneful effect on the multitude, and have stamped a dread of
 " Reform on the minds of many that I know, whose situations
 " in life would induce one reasonably to suppose it impossible,
 " so completely, to impose upon them; however, it always has
 " been the case, that falsehoods, boldly uttered, may prevail for a
 " time, but must be overwhelmed, in the end, by the bright and
 " sacred energies of Truth.

" To explain this matter, and many others properly, will
 " require great coolness, moderation, and patience. I have
 " found the following method answer best: " Do you know
 " such a gentleman?" naming some one of large property and
 " good character in the neighbourhood, who is known to be a
 " friend to a Reform, " Yes."—" Well, and do you suppose
 " that he would promote a scheme that would occasion and
 " oblige him to part with property he possesses, in order for it
 " to be divided amongst strangers whom he never saw or
 " heard of?" " No."—" Why then should you suffer yourself
 " to be imposed on, by such an idle tale fabricated and calcu-
 " lated for the purpose of raising a dread in you against those
 " more enlightened of your Fellow-citizens who wish for a
 " Reform, as you would, did you see its necessity; a dread which
 " may cause you to shut your eyes upon oppressive Excise and
 " Game-laws, exorbitant tythes, an unnecessary standing army,
 " kept on foot at the expence of two millions and an half, for the
 " purposes of influence and corruption; a pension-list, which is
 " a disgrace to the government, and a stigma and reproach on
 " the spirit and prudence of the nation; sinecure places, for the
 " mere possessing of which, hundreds of individuals receive thou-
 " sands a year each, for doing nothing at all, either for the public
 " service or their own; in short, such an enormous accumu-
 " lation of taxes, and so prodigal an expenditure of their pro-
 " duce, as no nation on the earth ever heard of or submitted to
 " before. To make you shut your eyes, and continue blind to
 " these enormities, those idle and futile tales are villainously dis-
 "

" perfed

“ perſed abroad ; but believe them not, conſult your own
 “ reaſon, and it will ſhew you that there is a palpable lie on the
 “ face of every one of them ?” Then explain the nature, aim,
 “ and end of your Society, invite them to attend it, and to
 “ judge for themſelves : If they do ſo, they will ſoon aid and
 “ aſſiſt you, by adopting ſimilar ones in their ſeveral neighbour-
 “ hoods, till, in time, they will overſpread the whole ſurface of
 “ this ſea-girt iſle.

“ At preſent, Sir, I will not trouble you further on the ſub-
 “ ject, which I now quit to return to the conduct and regulation
 “ of your own Society, and all others which may ariſe hereafter ;
 “ and as to them, I think the innkeepers in Stockport, Man-
 “ cheſter, &c. have given you a hint and leſſon, for which you
 “ ought to eſteem yourſelves for ever obliged to them. I own
 “ their inſolence and audacity in proceeding as they have done, is
 “ beyond example, but only deſerving of contempt ; as ſuch, leave
 “ them to themſelves ; public-houſes were never worthy of re-
 “ ceiving ſuch gueſts, whoſe ſacred and important duty require
 “ and demand to be performed in manſions more dignified and
 “ reſpectable ; your meetings ſhould be at the houſes of one
 “ another in honourable rotation ; and, to prevent inconvenience
 “ from too great a number, not more than ten or twelve at the
 “ moſt ſhould compoſe a primary or diſtrict meeting ; more mem-
 “ bers may be admitted in each diſtrict, till they reach twenty or
 “ twenty-four, according to the number fixed on—but then im-
 “ mediately ſhould divide into two diſtrict meetings ; the ſeveral
 “ diſtricts ſhould ſend each one member, by election, to a meeting
 “ of Delegates, and this meeting of Delegates ſhould elect out
 “ of their own body a certain number, which is to compoſe a
 “ Select Committee ; this Select Committee to manage the cor-
 “ reſpondence, and every other important concern for the whole
 “ of the diſtricts in any town or pariſh, ſubject always to the re-
 “ viſion and approbation of the diſtricts ; the Delegates and
 “ Select Committee to be choſen only for a limited time, before
 “ the expiration of which, others to be elected as before, from
 “ the diſtricts, to ſupply their places, by which rotations every
 “ member would in time become qualified to be a Delegate and
 “ a Select

“ a Select Committee-man, though he might not be so on his
 “ first entrance as a district member. These are only hints on
 “ which you may improve or enlarge as much as you please.”

Mr. Attorney-General. We will now read a draft of an answer to this letter, which was found likewise in the possession of Mr. Adams; it has no date; it has two hand-writings in it; I may, perhaps, trouble your Lordships, in the course of this cause, with evidence to prove whose hand-writings they are, but that is not necessary to enable me to read it; I wish to draw your Lordships attention particularly to the two last paragraphs.

Mr. Maclean. I found this paper at Mr. Adams's house,

(It was read.)

“ GENTLEMEN,

“ The Society for Constitutional Information have been favoured with two letters bearing the signature of the Editors of the Patriot. The first of these letters, dated June 11th, related particulars concerning the publication called the Patriot, accompanied by some of the first numbers. It required our opinion, and our public approbation of the work, with hints for its continuance. It likewise narrated several interesting particulars, relative to the friends and foes of liberty, their various habits and propensities, and added conjectures on the means by which those habits and propensities might be turned to the advantage of freedom.

“ The second letter, dated October 15, consisted of a complaint of neglect on the part of our Society, a further statement of facts similar to those contained in the first letter, and an account including letters of the proceedings of a Society at Stockport.

“ All these letters have been read by the Society for Constitutional Information; and the manly spirit in which they were conceived, their honest zeal, and the love of freedom by which their authors were animated, were highly grateful to that Society. It was no feeling of superiority, no intentional disrespect, and assuredly no wilful mark of insult, that occasioned

" signed the silence of the Society. We were required to per-
 " form that of which we were incapable; to pass judgment on a
 " publication which none of us had read, and to correspond with
 " persons in the dark, who had not thought fit (for reasons which
 " they no doubt held to be prudent) to trust us with their
 " names. What could be done? We admired both the talents
 " and the intention of our correspondents (or correspondent);
 " but we are simple, honest men, wanting the priestly gift of
 " intuition, and could not predicate good or ill of that, of which,
 " not having read, we could have no knowledge. Several weeks
 " passed away, and still the members could give no opinion of
 " the Patriot; for men must individually act by their own judg-
 " ments; it is the very essence of freedom that they should be
 " left thus to act; they will read the book first that happens
 " most to attract their notice; and you, Gentlemen, are too
 " liberal, too just, and too manly, to require them to approve
 " what they had not read, however deserving they might suspect
 " it to be of approbation. Of the purport, however, of your
 " undertaking, the ardour with which it is conceived, and the
 " perseverance with which it appears to be pursued, the Society
 " finds no hesitation in both approving and applauding most
 " zealously.

" You candidly ask the Society for hints; but the detail of
 " your letters convinces us you are yourselves proficient. Honest
 " men, however, advise, asked or not asked, whenever they
 " imagine that by advising they can do good. Perhaps, Gentle-
 " men, you may have read and remembered a publication, by
 " the late Father of his Country, Dr. Franklin, called Poor
 " Robin's Almanack; in which, with characteristic simplicity of
 " language, he descended to the feelings, wants and under-
 " standings of the lower order, and, in proverbial, jocular wisdom,
 " conveyed truths to them of the highest importance. Truths
 " that prepared them for the sublime efforts to which they were
 " soon to be roused; truths that led them onward to the avenues
 " of freedom, while their sight was too feeble to endure the
 " splendor of the temple itself. A certain number of such pro-
 " verbial axioms, which men of your genius would easily invent,

arranged

" arranged at the beginning or end of each of your publications,
 " and appealing to the real wants, grievances, and affections of
 " the people, of which you appear to be perfectly masters, could
 " not fail of producing an effect.

" We rejoice with you in the increase of the Members and
 " Societies of Freedom: our bosoms glow with the same senti-
 " ments. We are brothers, in affection, with you, with the Free-
 " men of Sheffield, of Stockport, and of the whole world.—
 " Freedom, though an infant, makes Herculean efforts; and the
 " vipers, Aristocracy and Monarchy, are panting and writhing
 " under its grasp. May success, peace and happiness attend
 " those efforts.

" Permit us to add, that the Society for Constitutional In-
 " formation will gladly receive or communicate intelligences,
 " and for that purpose be happy to correspond either with other
 " Societies or with individuals, that make the great and common
 " cause of an equal and real Representation of the People in Par-
 " liament, and the other grand objects of freedom, their end.
 " Information on such subjects, will, to this Society, at all times,
 " be peculiarly acceptable and gratifying."

John Coates (sworn.)

Examined by Mr. Attorney General.

Q. You are very deaf, I believe; are not you?

A. Yes.

Q. Do you know one Franklow?

A. Yes.

Q. Were you apprentice to him?

A. Yes.

Q. Where did he live?

A. No. 1, China-walk, Lambeth.

Q. How long did you live with him?

A. I was bound apprentice in November last.

Q. How did your master use to employ himself after his work
 was over at night?

A. He used to be out very late at nights.

Q. Was

Q. Was any thing going on up-stairs in your master's house ?

A. Yes.

Q. What ?

A. Exercise.

Q. What sort of exercise ?

A. Exercise with fire-arms.

Q. Who came there to exercise with fire-arms ?

A. I did not know them all---I only knew two of them ?

Q. What are their names ?

A. Mr. Shelmerdine and Mr. Williams.

Q. Williams the gun-maker, that lives at the Tower ?

A. Yes.

Q. Where did Shelmerdine live ?

A. In Bandy-leg-walk.

Q. How often did they exercise there ?

A. About twice a week.

Q. How many of them used to exercise there ?

A. About eight at a time ?

Q. Were they always the same eight, or different people ?

A. I did not notice them always.

Q. Were there sometimes different people from those that came there at other times ?

A. I suppose they were all the same.

Q. Were the windows of the room in which they exercised open or shut ?

A. Shut.

Q. Were they shut accidentally, or on purpose ?

A. I do not know.

Q. But you are sure they were shut ?

A. Yes.

Q. What do you mean by the windows being shut ?---were there window-shutters, or curtains, or what ?

A. Shutters.

Q. At what time of night did they usually exercise ?

A. About eight o'clock.

Q. Do you know whether your master used to go to any other place about exercising.

A. He

A. He used sometimes to go to Worcester-street, in the Borough.

Q. Was it to exercise there?

A. I do not know.

Q. Did the people that came to exercise at your master's house, live at Lambeth?

A. I do not know.

Q. Do you remember your master being taken up?

A. No; I was very ill at home at that time.

Q. You went back again, I believe?

A. I went back a day or two afterwards.

Q. Did you ever see where those arms were kept that these people exercised with?

A. Upon the first floor.

Q. After you went back again, were there any arms lying about the house, open, or concealed?

A. I did not see any arms after I went back again.

Q. You do not know where they were put, after your master was apprehended?

A. No.

Q. Do you remember any cartouch-boxes?

A. Yes.

Q. Where were they put?

A. In the cutting-room.

Q. In the taylor's room, where you work?

A. Where my master cuts out.

Q. What part of that room were they put in?

A. Lying a-top of the board.

Q. What was done with them afterwards?

A. My master bid me take them to Mr. Shelmerdine's, in Bandy-leg-walk.

Q. Did your master tell you to do any thing with them?

A. No.

John Coates,

Cross-examined by Mr. Erskine.

Q. How did your master dress himself when he went out?

A. I saw him once with his regimentals on,

Q. Had

Q. Had he a blue coat with a red cape, white waistcoat and breeches, and a cockade in his hat?

A. Yes.

Q. The cartouch-boxes were lying upon the cutting-out-table, openly in the place?

A. Yes.

Q. And the arms were up in the room?

A. Yes.

Q. Did the people that exercised, wear the uniform?

A. I do not know---Mr. Williams had them on.

Q. Your master walked out publicly in the street with his uniform?

A. I do not know that he walked out with them.

Q. You have seen him with them?

A. I have seen him with them on.

John Coates,

Re-examined by *Mr. Attorney General.*

Q. Did you ever see him out with them?

A. No.

Q. You told my Lord and the Court, that you had seen your master with those regimentals on once---Where was that?

A. In his own house, one Sunday morning.

Q. Did you ever see him go out with those regimentals?

A. No.

Q. Did you ever see any body come into the house with those regimentals?

A. No.

Mr. Erskine. You saw but five or six, I think you say, exercise in the house?

A. Only eight.

Mr. James Walsh (sworn.)

Examined by *Mr. Law.*

Q. Was you at Chalk-Farm on the 14th of April?

A. Yes.

Q. Do you remember Richter being there?

A. Yes; I remember his reading some resolutions.

Q. Do you remember any thing being said by him, or any body else, about calling a Convention?

A. I

A. I heard the word *Convention*; but there was such a confusion, that I could not collect any thing material.

Q. Did you hear whether the word *Convention* was mentioned by him?

A. The word was.

Q. But did any thing accompany the word *Convention*?

A. I was not near enough to hear correctly.

Q. Did you hear any thing about corresponding with other Societies?

A. Yes; I heard that they had formed a correspondence with different Societies, and that they mentioned the principal towns in England, I think, and some towns in the North, and several different towns; but I was at so great a distance, that it was impossible for me to collect what was said.

Q. Then you did not hear what was stated to be the object of this correspondence?

A. Not so as to collect any thing.

Q. Did you hear the resolutions moved?

A. I heard them read.

Q. Did you hear it mentioned what number of those resolutions should be printed?

A. I think it was mentioned, that one hundred thousand had been printed of the former resolutions, and that not having been sufficient, that two hundred thousand should be printed of these resolutions---that I heard distinctly.

Q. Was any thing else besides the resolutions ordered to be printed---any speech?

A. I cannot speak to it; but I think they mentioned something of my Lord Stanhope's speech; but I would not pretend to swear it.

Q. Do you remember Mr. Thelwall speaking?

A. I do.

Q. What did he propose?

A. I was not in a situation to hear distinctly what passed---he was very violent, as usual.

Q. Did you distinctly hear any thing said about arms?

A. No, not at all.

Mr. Erskine. Did you go from curiosity?

A. No; I went on purpose to see what they were about.

Mr. Law. Do you remember a person stating himself lately to have come from Ireland?

A. Yes; there was a man who said so---he need not have stated it; for he had the brogue very strongly.

Q. Was the prisoner there?

A. I cannot swear he was---I was told he was there; but I do not know it.

Thomas Green (sworn.)

Examined by Mr. Attorney General.

Q. Were you a member of the London Corresponding Society?

A. Yes.

Q. What are you by trade?

A. A manufacturer of perfumery.

Q. Have you had occasion to deal in knives lately?

A. I have dealt in knives ever since I have been in business; in cutlery in general, such as is customary for perfumery shops.

Q. Have you had any knives for the purpose of sale, or for any other purpose, that, when you opened them, are difficult to shut again, on account of a spring?

A. I have had a knife that has a catch in the back; it is not difficult to shut.

Q. Is it hard to shut without opening the spring?

A. No, not hard.

Q. You cannot do it without knowing the method of doing it?

A. No.

Q. How many had you of these knives at any one time in your own possession?

A. Three dozen.

Q. Where did you get them from?

A. Sheffield.

Q. How many of them did you part with?

A. Fourteen.

Q. Who did you part with them to?

A. I do not know all the persons.

Q. Do

Q. Do you know any of the persons?

A. Yes; I can name about three or four.

Q. Did you part with them in single knives, one at a time, or sell more at a time?

A. Single knives, one at a time.

Q. Did you part with any to the prisoner?

A. One.

Q. You sold him one?

A. I sold him one.

Q. Did you put more than one into his possession, for any, and what purpose?

A. They were done up in packages, not more than seven, nor less than six; I gave him one package to make a choice out of; he paid me for one knife, which he meant to keep.

Q. What was he to do with the rest?

A. I had four back again.

Q. When did you get those back?

A. I do not recollect exactly the time.

Q. How long was the whole package in the prisoner's possession?

A. I do not know exactly, it was a very little time; I knew Mr. Hardy I bought shoes of him; I never booked them, and therefore cannot say exactly; but it was not many weeks.

Q. He had them in his possession some weeks then, had he?

A. It might be two weeks; but I cannot recollect.

Q. Did you get them back before, or after he was apprehended?

A. Just after he was apprehended.

Q. Did you ever apply for them back again before he was apprehended?

A. I did not; I had not been that way; and for that reason I did not call to see whether he had made choice of one, or not.

Q. What difference was there between the different knives in this package?

A. I do not know a material difference; they run nearly alike; but sometimes there is one that has a more particular handle.

Q. Can you recollect any other persons to whom you sold any?

A. Yes; I sold one to one Mr. Billington, I think.

Q. Did you sell any to Mr. Pearce?

A. No.

Q. Did you sell one to Mr. Groves?

A. I did.

Q. Did you sell any to any other members of the London Corresponding Society?

A. I do not recollect at present that I did.

Q. Who were the manufacturers that you had them from?

A. Scofield and Company, at Sheffield.

Q. Did you write for them, or were they sent to you without writing for?

A. I used to deal with one Cook, a wholesale Sheffield manufacturer, before I dealt with them; they generally had riders in town, who used to go about to shops, to shew samples of particular goods: this man called upon me; I gave him an order for the goods; he sent them accordingly---Here are the bills of parcels for them.

Q. How did you know he had knives of this construction?

A. He shewed me a pattern; and not only of that in particular, but of other articles: I had seen the knives before, in different shops about town.

Q. Where?

A. In the Strand; they are to be seen at different public shops about town.

Q. Did you apply to the prisoner to sell him one, or did he apply to you to buy one?

A. He applied to me to buy one.

Q. How did he know you had them?

A. I do not know that?

Q. Were you at Compton-street after the meeting at Chalk Farm?

A. I was.

Q. Were you at Chalk Farm Meeting?

A. I was, part of the time.

Q. Do

Q. Do you remember any of those knives being shewn there, as bread and cheese knives?

A. I remember eating my supper, at Compton-street with one; and I remember one or two making remarks upon it.

Q. What were the remarks?

A. That it was a very useful knife.

Q. Did you see any more there?

A. I saw another, which I looked upon to be a better knife; that was in the hands of Mr. Pearce; it was a better finished knife.

Q. Did he tell you where he got it?

A. No, not that I recollect.

Q. Did he say any thing that he could do with it?

A. Not that I recollect.

Thomas Green,

Cross-examined by *Mr. Erskine.*

Q. If this is worth pursuing, I would ask you whether you have one of these knives here?

A. Yes; I have one in my pocket---Here it is (*producing it.*)

Mr. Erskine. Is this all?

A. Yes; I have had one of the kind seven years, and used it in my business.

Q. And you sometimes cut a bit of meat with it?

A. Yes, and cheese, or any thing.

Q. You had no intention to cut throats with it, I hope?

A. Never.

Mr. Attorney General. How many of these knives have you now?

A. I have twenty left out of three dozen.

Mr. Erskine. Were those the same sort of knives that you said you had seen in various cutlers' shops about town?

A. Yes.

Q. I think there is hardly a cutler's shop in town that has not such knives?

A. Very few that are any thing of a cutler's shop.

Q. Are those knives any new discovery in the ingenious age in which we live, or have they been in use all your time?

A. They are no new discovery; I have used them seven years.

Q. I ask you, upon your solemn oath, whether there is any thing but what is common about these knives, or whether you did not use them in the common course of your trade, and whether Mr. Hardy did not buy them as a common customer?

A. Yes.

Q. And he happened to be taken up before you got them back again?

A. Yes.

Q. It is a very useful knife; and I will buy one of them the next time I see you---Do you know Mr. Groves?

A. I do.

Q. Had you ever any conversation with Mr. Groves, about your having fold knives of that description?

A. He came to me to purchase a knife at my shop, among other things; he purchased several other articles at the same time; he remarked the utility of the knife; he said it was a very useful knife.

Q. Did you tell Groves that you had fold two or three hundred of them?

A. No.

Q. You swear that?

A. I did not mention any particular number; I remember he made a remark in this kind of way, whether I had fold a number of these knives, whether it was a saleable article or no?---I said, Yes.---No man in business would tell a person that it was not a saleable article; they would not purchase it, if he did.

Q. Did you tell him that you had fold two or three hundred, but desire him to speak low, because the parlour-door was open, and your wife was a damn'd aristocrat---did you say so?

A. I will make oath that I did not make use of such an expression as that.

Lord Chief Justice Eyre. What was the expression you did make use of?

A. I do not know exactly what, but not such a one as that; -

no man has ever heard me swear an oath in that kind of way these seven years; I might make use of an expression in this kind of way, when he asked me if it was a saleable article, and if I sold a quantity of them, I might say yes it is a saleable article, or to that purpose, but I did not say that I had sold any particular number.

Mr. Erskine. Did you say any thing to him as if there was any thing improper in selling the knives?

A. No.

Q. Did you desire him to speak low lest it should be heard by others, that you were selling a common article in your shop?

A. Not at all.

Q. You swear that?

A. I do.

Q. I think it right to inform you, that Groves has thought fit to swear you told him to speak very low, for that your parlour-door was open, and your wife was a damn'd Aristocrat, and that you did not want her to know that you were selling these knives?

A. I swear I said no such thing; these knives all lay open in my shop, so far from hiding them from my wife, or from any man in the parish, that they lay openly in the show-glass, and in the window for sale.

Q. Would you have sold a knife of any sort or description, to any man that you had the least idea was intended to be made use of illegally or unjustly?

A. Not if I knew it was intended to be made use of for that purpose.

Q. Did you bespeak these knives for the purpose of selling them to mischievous people, or in the ordinary course of your trade?

A. In the ordinary course of my trade.

Q. Then I understand you to swear positively, it is not true what Groves has sworn concerning you?

A. What he has sworn I do not know, but that I did not make use of such an expression, I swear positively.

Thomas Green,

Re-examined by *Mr. Attorney-General.*

Q. To be sure, it is not a polite thing to call one's wife a damn'd Aristocrat, what did you say about her?

A. I do not recollect that I said a word of the kind, or threw out any such hint.

Q. Did you say any thing about your wife?

A. I do not recollect to the best of my knowledge, that I mentioned any thing about my wife.

Q. Did you mention any thing about Aristocrat?

A. No, I do not know that I said any thing about Aristocrat, or my wife.

Mr. Erskine. Did you wish to conceal selling these knives from your wife?

A. No.

Edward Hodgson (sworn)

Examined by *Mr. Law.*

Q. Look at these papers—were they printed by you?

A. I beg leave, with submission to the Court, to know, whether I am bound to answer that question?

Lord Chief Justice Eyre. It depends upon what the nature of the paper is; you are not bound to answer any question that may tend to criminate yourself.

Mr. Law. Certainly it is a paper of a seditious tendency—it was opened by Mr. Attorney-General, as a description of the Ins and Outs, advising the people to provide themselves with arms. Without saying whether you published it, did you receive from any body, any application or any request to print a paper of those contents? I do not ask you, whether you did print it or not.

A. I had.

Q. From whom?

A. A person of the name of Hodgson,

Q. Where does he live?

A. I never was in his house—I was informed he lived at Westminster.

Q. When were you applied to?

A. I presume it must be about the month of March last.

Mr.

Mr. Law. Hodgson has been already proved to be a member of the Corresponding Society.

Lord Chief Justice Eyre. What was it he brought to you, a printed paper, or a manuscript?

A. A manuscript.

Mr. Law. A manuscript copy of that paper which I have now shewn you?

A. Yes.

The printed paper read.

“ The Ins tell us we are in danger of invasion from the French.

“ The Outs tell us that we are in danger from the Hessians and Hanoverians.

“ In either case we should arm ourselves ; get arms, and learn how to use them.”

Lord Chief Justice Eyre. Can you fix the time when it was brought to you?

A. I presume about the month of March.

Edward Hodgson,

Cross-examined by *Mr. Gibbs.*

Q. Were you a member of either of these Societies?

A. A member of the London Corresponding Society.

Q. How long have you been a member of it?

A. I presume I was a member about three months—then I ceased to be a member.

Q. When did you cease to be a member?

A. Immediately upon the report that the Society had improper objects in view.

Q. At what time was that?

A. About the month of April, on the first apprehension, I believe, of the prisoner and Mr. Adams ; I never went to the Society afterwards.

Q. Have you any reason to think, during the time you were a member of the Society, that they had any other objects but a Parliamentary Reform?

A. Never.

Q. You never had?

A. Never.

Q. In

Q. In what House of Parliament?

A. In the Commons House of Parliament.

Q. Had you any idea that it was any part of their plan to attack the King?

A. Far from it.

Q. In any respect to lessen his authority in the state?

A. Far from it; I never heard any thing of the kind started directly nor indirectly.

Q. Had you any reason to suspect that they meant to displace the Lords from any authority they possess in the state?

A. None at all; I am sure I should not have continued with them a moment longer if I had.

Q. Did you cease to be a member of the Society from any thing that you observed yourself, or was it from Mr. Hardy and Mr. Adams being taken up?

A. Entirely from Hardy and Adams being taken up, and the reports in circulation, that, under the pretence of a Reform, they were pursuing other objects.

Q. Did you attend the Society often?

A. No; I did not by any means, for my business would not admit of it, and a part of the three months that I was a member I was indisposed and confined to my room.

Q. However, during the whole time you did attend it, this was what you collected to be their object?

A. Exactly.

Q. They have been talking of a Convention; had you any idea in the Society, or did you hear from any of the Society, that that Convention was to take upon itself the function of legislature, was to make laws?

A. At the time I was in the Society, I always understood when they were talking of a Convention, as a thing by no means determined on; that they wished to take the sense of different Societies in the country, whether such a measure was adviseable, the assembling a Convention.

Q. But had you any idea that any body of men were to be called together, who were to take from King, Lords, and Commons, the power of making laws, and were themselves to make laws for them?

A. Oh—

A. Oh—by no means, there was not the least shadow to form such an opinion from.

Q. Did you ever hear any conversation from any of the members, tending that way?

A. Never in my life.

Q. Had you any idea from any thing you ever heard, that there was an intention in this, or any of these Societies, to introduce the anarchy of France into England?

A. No.

Q. You had not?

A. No; I had not.

Q. When was this hand-bill brought to you?

A. I believe in the month of March or April; I am not accurate as to the time; it must be about that time, for I did not become a member of the Society till the month of February, I believe.

Edward Hodson,

Re-examined by *Mr. Attorney-General.*

Q. You did not know what passed at the Globe-Tavern then?

A. No.

Q. All you know is, what passed between the month of February and the time of the apprehension of Hardy and Adams?

A. That is all.

Q. Then you chose to protect your own character, hearing of those reports, by remaining no longer in the Society; your knowledge is only since the meeting at the Globe-Tavern?

A. Yes.

Q. You were at Chalk-Farm?

A. I was.

Q. Did you ever read the resolutions that passed at Chalk Farm?

A. I have read them in the report.

Q. You had read them before you saw them in the report?

A. Yes.

Q. Where?

A. I had seen them in the printed account of the proceedings at Chalk-Farm.

Q. Had you seen the printed account of the proceedings on the 20th of January?

A. I

A. I had not; I do not recollect that I have read them to this hour.

Q. Did you know that they had had any thing to do with Mr. Paine's works, "The Rights of Man?"

A. I never knew that but by hearsay.

Q. Were you applied to to print the proceedings at Chalk-Farm? I don't ask you whether you printed them.

A. I was applied to.

Q. By whom?

A. By several of the members, not by an individual member; I was at the Division, the Committee Division, as it was termed, and it being determined to print them, I was applied to.

Mr. Attorney-General. My Lords, I am now going to prove, that the circular letter of Mr. Hardy, which your Lordships heard read, relative to the calling a Convention, was sent to Edinburgh and Strathaven; that it was answered from Strathaven by a letter; I shall also prove the transactions which passed respecting it at Edinburgh, and having proved those circumstances, I shall then state the grounds upon which I apprehend it will be open to me to prove other transactions in Scotland.

George Ross (sworn);

Examined by Mr. Garrow.

Q. Where is your place of residence?

A. In Edinburgh.

Q. Was you a member of any Society in Edinburgh at any time?

A. I suppose you mean the Friends of the People.

Q. You was a member of the Society, calling itself the Friends of the People?

A. Yes.

Q. When did you commence a member of that Society?

A. I believe it was some time about the end of the year 1793.

Q. Was you at any time a member of any Meeting or Society, which was called the British Convention?

A. Yes; I was.

Q. When did you become a member of that Convention?

A. I do

A. I do not recollect at what time the Convention was held.

Q. Was you deputed to the Convention as a Delegate from your Society?

A. Yes; I was.

Q. Can you tell us at what time that delegation took place?

A. I made a mistake at first; it was at the end of the year 1792 that I was made a member, and at the end of 1793 the British Convention was held.

Q. So that you was a Delegate from your Society?

A. Yes.

Q. Do you know at what time you were appointed a Delegate to the Convention?

A. I think it was at the end of November, or the beginning of December 1793.

Q. Did you attend any of the meetings of the British Convention at Edinburgh?

A. Several of them.

Q. Were there Delegates at the meetings of that Convention from other Societies in Scotland?

A. There were.

Q. From any other parts besides Scotland, south?

A. Yes, there were some from England.

Q. Was you at any time a member of the London Corresponding Society?

A. No.

Q. Do you remember, at any time, receiving any letter similar to that which I now put into your hand? (*shewing a letter to the witness.*)

A. I did receive some letter similar to this.

Q. Among those which you received, did you receive the identical letter that I have put into your hand? if you look, you will see your own writing on it.

A. Yes, I think this is the letter that I sent into the country.

Q. What number of letters did you receive with that, which were of a similar tendency?

A. I think about half a dozen.

Q. Who did you receive them from?

A. From

A. From one Mr. Stock, in Edinburgh.

Q. Was he a member of any of the Societies in Edinburgh?

A. Yes.

Q. Of which?

A. One that met in Simmonds's-square, Nicholson-street, on the south-side of Edinburgh.

Q. What particular name had it?

A. I do not know what it was called; it was a Society exactly of the same nature with that of which I was a member.

Q. Was there in that Society to which you and Stock belonged, any Committee which was known by any particular name?

A. There was no Committee belonging to that individual Society that I particularly belonged to.

Q. Having received five or six of these letters from Stock, what did you do with them?

A. I sent several of them into the country.

Q. Look at the superscription to that in your hand, and tell me where that was sent to?

A. It was sent to a person of the name of Miller, at Perth.

Q. Name some other places to which you sent this letter?

A. I sent one to Strathaven.

Q. Any other?

A. I think I sent one to Paisley, and to some other towns in the country.

Q. Did you send any to Dundee?

A. I am not very certain whether I did or not.

Q. You told me you attended several meetings of the British Convention, as it was called; be so good as tell us any of the proceedings of the British Convention, at which you was present; had you any particular cause of knowledge; did you write any of the minutes of the meeting?

A. I took some of the minutes of the meeting of the Convention.

Q. Did you act as Secretary of the Convention, upon those occasions?

A. Now and then, sometimes I did.

Q. Without

Q. Without troubling you with the whole of the proceedings which we have had already; do you remember any particular resolution, which was passed with any extraordinary solemnity, at the Convention?

A. I do not recollect particularly; I would know them to be parts of the minutes of the Convention that I wrote myself, if I saw them.

Q. If in the minutes of the Convention, you should see it in your own hand-writing, you would know it again; but what I am speaking of, is not there; was there any resolution passed with extraordinary solemnity, such as rising up and taking one another by the hand, or any thing of that kind?

A. I recollect something of that kind having happened, but I do not know what it was.

Lord Chief Justice Eyre. Was you there when it happened?

A. I am not very certain whether I was or not, but I recollect being questioned upon that very circumstance upon the trials at Edinburgh, but I cannot be positive at present upon the circumstances what it was.

Q. Were you present at any time when any resolution was passed with extraordinary solemnity, such as extending the hand, (the mode of swearing I believe in Scotland,) or by taking one another by the hand. Do you recollect such a circumstance, with respect to any resolution?

A. I do not recollect it.

Q. Do you recollect the dispersion of the British Convention, by the Magistracy of the country?

A. I was not present at the first dispersion; I was in custody then.

Q. Do you remember the fact of the dispersion of the Convention?

A. Yes.

Q. After that do you know of forming any committees of ways and means, or any thing of that sort?

A. After the dispersion of the Convention, I did not act in the societies myself, but I understood——

Q. I do not ask you what you understood.

A. Then

A. Then I do not know.

Q. Do you know of the formation of any Committee of Union, which met in your own house?

A. I cannot swear positively; it became the common talk, but I was not present at one, and was not privy to their proceedings.

Q. Though you were not yourself present at any of their meetings, did you from any of the persons who were members of the British Convention before its dispersion, learn that there had been a Committee of Union formed; did you learn that after the dispersion of the Convention from any of the members of the Convention?

A. I understood there was a Committee.

Q. Did you understand that from any of the Members of the Convention which had been dispersed?

A. I cannot be certain to that, but I understood there was a committee.

Mr. Garrow. My Lords, we will now read this letter which this witness says he received from Stock; we have produced a large bundle of these circular letters to country correspondents, which were found in the possession of the prisoner.

This letter was transmitted by the witness to Miller, at Perth, and he says he sent other copies to different places in the country, particularly to Strathaven; Your Lordships recollect that an answer to that sent to Strathaven, has been read.

(The printed circular letter read.)

" Citizens,

" The critical moment is arrived, and Britons must either assert with zeal and firmness their claims to Liberty, or yield without resistance to the chains that ministerial usurpation is forging for them. Will you co-operate with us, in the only peaceable measure that now presents itself with any prospect of success. We need not intimate to you, that notwithstanding the unparalleled audacity of a corrupt and overbearing faction, which at present tramples on the Rights, and Liberties of the People, our meetings cannot in England be interrupted, without the previous adoption of a Convention Bill—a measure it

" is

" is our duty to anticipate, that the ties of union may be more
 " firmly drawn, and the sentiments and views of the different
 " Societies throughout the nation be compared, while it is yet in
 " our power, so as to guide and direct the future operations of
 " the friends of freedom. Rouse then, to one exertion more !
 " and let us show our consciousness of this important truth,
 " If we are to be beaten down with threats, prosecutions, and il-
 " legal sentences, we are unworthy—we are incapable of liberty."
 " —We must, however, be expeditious. Hessians and Auf-
 " trians are already among us; and if we tamely submit, a
 " cloud of these armed barbarians may shortly be poured in
 " upon us. Let us form then another British Convention; we
 " have a central situation in our view, which, we believe, would
 " be most convenient for the whole island; but which we forbear
 " to mention (entreating your confidence in this particular)
 " 'till we have the answer of the Societies with which we are in
 " correspondence. Let us have your answer then by the 20th,
 " at farthest, earlier if possible, whether you approve of the
 " measure; and how many Delegates you can send, with the
 " number also, if possible, of your Societies.

" We remain your's,

" in civic affection,

" The London Corresponding Society,

" T. HARDY, Secretary."

" For the management of this business we have appointed a
 " Secret Committee. You will judge, how far it is necessary
 " for you to do the same."

Addressed on the back

" Mr. Walter Miller, merchant, Perth."

" Shew this to your neighbours."

" Answer, post paid, to the care of George Ross, Liberty
 " Court, Edinburgh."

" The Gazetteer is to come out immediately."

" Nothing but ready money subscriptions received."

George Ross,
Cross-examined by *Mr. Erskine.*

Q. What was the object of your Society, The Friends of the People?

A. To procure a Reform in Parliament; a Reform in the House of Commons.

Q. Did your objects extend further than to a Reform in the House of Commons?

A. It was only the House of Commons that I associated to Reform.

Q. Had your Society any design, from what you collected from the Members of it, and from what was said and done in your presence, to attack the King's person, or his prerogative, or state?

A. I never thought so.

Q. Was it your object in that Association to do so?

A. My object was to procure a Reform in the House of Commons.

Q. You I think was made a Delegate from your society to the British Convention?

A. Yes.

Q. When you met together the Delegates from the different societies in your Convention, did you consider yourselves as the Parliament of Great-Britain?

A. No not at all. We meant to consider the proper means of petitioning Parliament.

Q. Was any thing done, or said, by the Delegates, sitting in the Convention, as if they had assumed to themselves the authority and functions of magistracy?

A. I could conceive no such thing.

Q. Did they exercise any functions of legislative, or executive power?

A. No such thing.

Q. Was there any thing said by any members against the King?

A. Not that I know of; not that I heard.

Q. Did you make any laws to bind the people?

A. We should have been very foolish if we had proposed such a thing.

Q. What

Q. What appeared to you to be the object?

A. To procure a Reform in the Commons House of Parliament.

Q. How were you to do it?

A. By a petition.

Q. Was that said among the members of the Convention?

A. Yes; and several petitions were sent previous to the meeting of the British Convention.

Q. What number did the British Convention consist of?

A. About two hundred.

Q. Had you provided yourselves with arms to attack the magistracy and government of the country?

A. We had not.

Q. Were the Delegates prepared to resist the magistracy by force?

A. Not at all; when the magistrates came to disperse the British Convention the second day, they did not resist them when the Sheriff shewed his authority: he took the Chairman by his hand and took him out of the chair; he said he was doing nothing illegal, and would not leave the chair till the Sheriff took him forcibly out.

Q. If you had considered that you were doing that which was illegal and dishonorable for a subject to do, should you have done it?

A. No; we should have refrained from it.

Q. Should you have done it if you had thought it likely to be dangerous to the King's government, or person?

A. No; I never meant any such thing, I had no such intention?

Q. Do you think there were any other persons in your society who meant any such thing?

A. I never did; for it was always understood, that our society was to obtain a Reform in Parliament.

Q. What sort of persons did the Convention consist of?

A. There were people of all ranks belonging to the societies; most of the poor class of people.

Q. Were there any reputable tradesmen belonging to it?

A. Yes; there were some very reputable gentlemen among them.

Q. People of good character, sober lives, and morals?

A. Most of them were men of sober lives and morals.

Q. Was there any proposition made in the Convention, in your presence, during the time you attended it, that led to assuming any authority of your own?

A. No; we never thought of any such thing.

George Ross,

Re-Examined by Mr. Garrow.

Q. It would not have occurred to me to ask you, whether you were a traitor, or your associates declared themselves to be so.— Now I will put some questions to you, upon what you have been asked. You have told that gentleman that you had no idea of assuming the powers of legislation by force?

A. No ideas of that at all.

Q. You meant merely to procure, or obtain, if you could, a Reform in the Representation of the People?

A. You are very right.

Q. And that by peaceable means?

A. Yes.

Q. And that you would have shuddered at an idea of force, or resistance to the civil power of the country; do I take you right?

A. Yes; very right.

Q. You had no idea of going farther than a fair, peaceable, and orderly application for a redress of that which you conceived to be wrong?

A. I will answer for myself; I had not.

Q. Were you present when that Convention came to this resolution; and then the proper constitutional judges will say, whether you meant it or not?

“ That this Convention, considering the calamitous consequences of any act of the Legislature which may tend to deprive the whole, or any part of the people, of their undoubted right to meet, either by themselves, or by delegation, to discuss any matter relative to their common interest, whether of a public or private nature, and holding the same to be totally inconsistent with the first principles and safety of society, and also subversive

“ of

“ of our known and acknowledged constitutional liberties, do
 “ hereby declare, before God and the world, that we shall fol-
 “ low the wholesome example of former times, by paying no
 “ regard to any act which shall militate against the Constitution
 “ of our Country, and shall continue to assemble and consider
 “ of the best means by which we can accomplish a real represen-
 “ tation of the people, and annual election, until compelled to
 “ desist by superior force.”—Did you know that the Convention,
 of which you was a member, who fought all those things by peace-
 ful and orderly means, had come to that resolution?

A. I am not certain whether ever that resolution was passed in the Convention.

Q. Upon your oath, was not you present when it was proposed?

A. I do not recollect that it was proposed.

Q. Will you swear you was not present?

A. I cannot be certain, because the Convention met for several weeks, I believe, and I cannot be certain, whether I was present, if that was passed at it, or no.

Q. Can you say you were not present when such a resolution was passed?

A. I cannot answer positively to the question, on account of the Convention meeting for two or three weeks, and I could not get to attend it every day for all the time that the Committee met, but I commonly attended two or three hours of every day. I cannot recollect all the different motions that were moved and passed in the Convention, whether I was present at them or not.

Q. I will remind you of some others that will strike your memory better perhaps—“ And we do resolve, That the first notice
 “ given for the introduction of a Convention Bill, or any bill of
 “ a similar tendency to that passed in Ireland, in the last session
 “ of their Parliament, or any bill for the suspension of the Habeas
 “ Corpus Act, or the “ Act for preventing wrongous impri-
 “ sonment, and against undue delays in trials in North Britain;”
 “ or in case of an invasion, or the admission of any foreign
 “ troops whatsoever into Great-Britain or Ireland; all, or any of
 “ these calamitous circumstances, shall be a signal to the several

" Delegates to repair to such place as the Secret Committee of
 " this Convention shall appoint; and the first seven members
 " shall have power to declare the sittings permanent, and twenty-
 " one shall constitute a Convention, and proceed to business."—
 Upon your oath, was not you present when that resolution was
 come to?

A. I think I was.

Mr. Garrow. Attend to this—" The Convention doth hereby
 " resolve, that each Delegate, immediately on his return home,
 " do convene his constituents, and explain to them the necessity
 " of electing a Delegate, or Delegates, and of establishing a
 " fund, without delay, against any of these emergencies, for his or
 " their expence; and that they do instruct the said Delegate, or
 " Delegates, to hold themselves ready to depart at one hour's
 " warning." Now I fancy I have brought you to recollect
 this?

A. I do recollect that from your reading it.

Q. Now attend—No persons were members of this society
 but persons of moral life and conversation; respectable, orderly,
 and decent Citizens, I think you told that Gentleman?

A. That was not my answer to the question; he asked me
 if there were not reputable tradesmen belonging to that Society,
 I said yes.

Q. So you understood that question to be, whether there were
 not some reputable tradesmen belonging to that Society?

A. Yes.

Q. Was Watt a member of that Society?

A. No.

Q. Was Downie?

A. He was.

Q. As you have told that Gentleman, upon your cross-exa-
 mination, that you took the intention to be to proceed by peace
 and order——

Mr. Gibbs. I submit to your Lordships that that is improper.
 That sort of interlarding a question is not permitted to us even in
 cross-examination.

Lord Chief Justice Eyre. I perfectly agree with you. It is an
 habitual

habitual irregularity; I state that as a common excuse for it all, as a thing to be corrected as much as we can. I did not expect we should get right in a moment; let us keep as much within bounds as we can; it disturbs the argument of the examination entirely, when it is so filled with these observations.

Mr. Garrow. I am much obliged to your Lordship for the kindness with which the admonition comes, and for my part, I will endeavour to submit myself immediately to it.—Was you there when it was resolved, “ That the moment of any illegal disperson of the present Convention, shall be considered as a summons to the Delegates to repair to the place of meeting appointed for the Convention of Emergency, by the Secret Committee; and that the Secret Committee be instructed to proceed, without delay, to fix the place of meeting ? ”

A. I think I was present at that meeting.

Mr. Erskine. It is stated that the moment any of those things were communicated, they were to be a signal for your holding a Convention at such a place?

A. Yes.

Q. But what were you to do when you got together in this Convention?

A. To petition Parliament to get those grievances redressed.

Mr. Garrow. That Gentleman has asked you, what you were to do when you should be got together upon the summons of the Delegates. Do you mean to state upon your oath, that you had the least apprehension that that meeting, in a Convention of Emergency, summoned by a Secret Committee of Emergency, was for the purpose of again petitioning Parliament?

A. I would never have agreed to the motion upon any other terms.

Q. Do you mean to state upon your oath, that you understood that the resolution which I have read to you, and which I will read again—“ That we shall follow the whole—some example of former times, by paying no regard to any act which shall militate against the Constitution of our Country, and shall continue to assemble and consider of the best means by which we can accomplish a real representation

of the people, and annual election, until compelled to desist by "superior force."—Do you mean to swear that you understood that to be to meet in such Convention for the purpose of again petitioning Parliament?

A. I had no other idea.

Q. Do you mean to state, that you understood that to be the meaning of such a meeting in a Convention of Emergency?

A. I understood it to be that some people should be authorized to call a meeting whenever any of those circumstances should take place, and the intention of the meeting would be that of petitioning Parliament.

Q. That the Delegates were to hold themselves in readiness to depart at an hour's warning, for the purpose of again petitioning that Parliament, which they had already petitioned without success?

Mr. Gibbs. The Convention never had petitioned Parliament.

Mr. Attorney General. It has been distinctly proved in evidence, that these Scotch Societies had stated that more effectual means should be used.

Mr. Gibbs. Mr. Garrow states that the object was to petition again that Parliament which the Convention had before petitioned without effect—Now I am not aware that the Convention had petitioned Parliament.

Lord Chief Justice Eyre. It is not a subject to be debated, but it is perfectly clear that just in the manner in which the question was put, the fact was not stated.

Mr. Garrow. Do you mean to represent to the Court and the Jury, that you understood that the Delegates were to hold themselves in readiness to assemble upon an hour's notice, in order to petition Parliament upon the dispersion of the Convention?

A. I understood that the Delegates, whenever they got information that a Convention was necessary to be held, that they should immediately repair to a place appointed.

Q. Do you mean again to state that you understood the purpose

pose of that second Convention, after the dispersion of the first, was to petition Parliament?

A. That is what I mean.

Q. Let me see whether I understand you distinctly, for God forbid I should misunderstand you, or endeavour to misrepresent you—You understood that the Convention of Emergency, which was to be collected by the Committee of Emergency upon an hour's notice, was to petition Parliament?

A. I never would have agreed to the meeting of any Convention, if they meant to oppose Parliament; and I understood that if there was a Convention called again, that they certainly would petition Parliament for redressing the supposed grievances which existed.

Q. For what purpose, after the dispersion of the existing Convention, was a new Convention of Emergency to be called by a Committee of Emergency, to petition Parliament, as you understood it?

A. I understood they would petition Parliament, that although their petition was rejected, they would still continue, they would not throw aside the notion of a Parliamentary Reform merely from the rejection of a petition or two.

Q. So that though the first petition should be rejected, and the Convention dispersed by force, yet you understood there was to be a Committee of Emergency to call a new Convention of Emergency, and so go on again petitioning, though they should have their petitions again rejected?

A. I understood that the Friends of the People meant to petition Parliament till they should gain their end.

Q. Then why did not the Society of the Friends of the People go on petitioning Parliament, without sending Delegates to a British Convention for the purpose of effecting these reforms?

A. One of the reasons for that was, it was noticed that a petition for Parliamentary Reform did not specify any particular reform, and that was one of the reasons for a Convention as I understood it, to specify the particular reform in their petitions that they wanted, and likewise—

Q. And likewise what?

A. I do not recollect what I was going to say.

Arthur M'Ewan (sworn)

Examined by Mr. Garrow.

Q. Where is your place of residence?

A. At the Water of Leith.

Q. Were you a Delegate at the British Convention, which assembled at Edinburgh?

A. Yes.

Q. Did you attend the meetings of that Convention?

A. Sometimes.

Q. Were there any Committees for the purpose of managing the business of this Convention?

A. I believe there were.

Q. Are you now sworn according to the manner in which you usually take an oath?

A. No.

The witness was sworn holding up his right hand, while the Oath was repeated, instead of the usual form.

Q. You was a Delegate of the British Convention assembled at Edinburgh?

A. Yes.

Q. Were there any Committees of the Convention for the purpose of managing its business?

A. I believe there were.

Q. Did they from time to time report to the Convention itself?

A. As to that I do not remember.

Q. Do you remember the circumstance of the Convention being dispersed by the Magistrates?

A. Yes.

Q. After the Convention was dispersed, do you remember any Committee being formed out of the Societies?

A. Yes.

Q. What was the name of it?

A. There was a large Committee assembled, as I saw by hand-

hand-bills, that went under the name of the Committee of Union.

Q. Of what persons was that Committee of Union composed?

A. I cannot inform you as to the names.

Q. Was it composed of members of the Convention which had been dispersed?

A. Some of them were, I believe some were not, at least for aught I know.

Q. Were those who, as far as you know, were not members of the former Convention, members of the Society of the Friends of the People at Edinburgh?

A. I cannot say that, because I was not formerly acquainted with them.

Q. Was there any other Committee, called a Committee of Ways and Means?

A. There was another Committee chosen out of the large one, which went under the name of a Sub-Committee, and after that it was styled in a printed paper a Committee of Ways and Means, but who made it out in that form I know not.

Q. Of that Committee which was called the Committee of Ways and Means, who were the members?

A. Mr. Stock, Mr. Bourke, Mr. Aitchison, Mr. Bonthron, Mr. Downie, Mr. Watt, and myself.

Q. Do you remember Watt as a member of that Committee of Ways and Means, reading any plan for the purpose of effecting some mischief at Edinburgh?

A. Yes I do.

Q. You had been a member of the British Convention?

A. Yes.

Q. What was the plan which was read in the Committee of Ways and Means by Mr. Watt, one of the Delegates, and who was a member of that Committee?

A. The purport of what he read from the paper, as I think, ran thus, that it was——

Q. Attend to me a single moment—do you know for what purpose, in particular, you were assembled at the time that this plan

plan was read—was it for answering any letter?—Do you know for what purpose this Sub-Committee was chosen?

A. The reason of chusing this Sub-Committee, as far as I can understand it, was to look into the circumstances of Mr. Skirving; for this reason, that a fortnight before there was a letter read that came from him by a man on that large Committee, intimating that there was due to him, from the Friends of the People, twenty pounds, and he wished they would make good that payment to support his wife and family when he had left the land; that was what I conceived the Committee was appointed for.

Q. In that Committee of Ways and Means, was there any letter which had come to the Society, or any of its members, which purported to be a circular letter which you were then met to answer. Look at this letter, was this letter produced in the Committee of Ways and Means?

A. If it was, it was not in my presence, I never saw it.

Q. At a Committee of Ways and Means, Watt read a plan?

A. Yes.

Q. State what that plan was which Watt read in the Committee of Ways and Means?

A. As far as I can recollect, the plan ran in this way—it was mentioned there to seize the Lord Justice Clerk of Scotland, and the rest of the Lords of Council and Session, and the Lord Provost of Edinburgh; and it also mentioned to kindle a fire at the Excise Office in the New Town, and there were to be parties, according to the way that he read that paper; there were to be parties stationed at the Luckenbooths.

Mr. Erskine. Mr. Attorney General, I wish to know in what way you make this evidence?

Mr. Attorney General. It is due from me to state to your Lordships how I shape the case. We have now, as your Lordships recollects proved by a letter of the 17th of May, 1793, from Mr. Hardy, by a Mr. Urquhart, who was then going to Edinburgh, that he sent this proposition to the Convention at Edinburgh, to associate; not only that Society with the London Corresponding Society, but both with every other Society

throughout

throughout the nation—that in answer to that, Mr. Skirving, who appears to be the Secretary, in a letter which was found in the possession of the prisoner, states—“ If either you in England, “ or we in Scotland, should attempt separately the reform which “ we seek to obtain, we should, by so doing, only expose our “ weakness, and manifest our ignorance of the corruption which “ opposes our important undertaking.—If we sought only the “ extirpation of one set of interested men from the management “ of national affairs, that place might be given to another set, “ without affecting the vitals adverse to the system of reform.”—

It then states in general, that they must have the whole, and not a part---and then he desires that there might be a general union of the people themselves; he says---“ haste therefore,” (addressing himself to the prisoner) “ to associate, at least to be ready to “ associate.---If then such a broken state of things should take “ place, the civil broils that would necessarily ensue, would “ soon subside before the united, irresistible voice of the whole. “ ---Do not, I entreat you, hesitate, thinking such a work premature as yet, but a month, and then it may be too late---A “ malignant party may be already formed, and only waiting for “ the halting of the present Managers; it will then be too late to “ seek to subject to deliberation, after a party has dared the act “ of rebellion. If you go no farther than separate meetings in “ different towns, we will not be able to confide in your confraternity, because, while in such a state, you may be but the “ tools of a faction---We could have all confidence, and unite “ with all affection in one Assembly of Commissioners from all “ countries of the world, if we knew they were chosen by the “ unbiassed voice of the people, because they would come up with “ the same disinterested views and desires as ourselves, having “ all agreed to a common centre of union and interest; but we “ could not confide in fellow-citizens who kept aloof from such “ union, and would not previously affiliate in one great and “ indivisible family.”

Upon the 23d of November, 1793, a letter was written to Norwich, by the prisoner, in which he informs the Society at Norwich, “ of the Convention called and now sitting in Edin-
“ burg,

“ burg, for the purpose of obtaining a speedy and radical reform
 “ in the system of Parliamentary Representation, and you are
 “ also in possession of the circumstances of our having sent two
 “ Delegates, Margarot and Gerald, to represent our increasing
 “ Society, in that respectable Assembly. The Society for Con-
 “ stitutional Information has also elected two representatives,
 “ Yorke and Sinclair, the latter only of whom has gone to
 “ Scotland for the discharge of his important mission.”

Then he states to the Norwich Society, that the object of the present letter was to inform them of the important communications which their mission had produced; that it had diffused spirit and resolution through the different Societies in Scotland; that there must be a complete union for the recovery of their rights, and the complete renovation of the liberties and happiness which they are entitled to as men, and expect as Britons;—that an increase of affection, zeal, and confidence—a concert of permanent union—a free communication and comparison of sentiments and intentions, mature deliberation and mutual reliance, are the fruits of the measures adopted by the friends of liberty in Scotland, and seconded by those in London and Ireland.

Then he presses the Society at Norwich to rouse to immediate co-operation with those efforts in Scotland, for the general good---he is desirous to awaken them to a sense of the importance of the object they were to pursue, and to persuade all the Societies in England, to have an immediate junction with this federation.---And then he desires them to send a Delegate of their own, in order that they may, by a general union, so step forward and avow their sentiments, as to ensure a speedy termination of the war, and a restoration of every right to which Britons and Freemen are entitled.

Your Lordships will give me leave to put you in mind also, that this Society wrote to Sheffield, to Leeds, and I think to one or two other places, to send Delegates to the Convention in Scotland,---they did send Delegates to the Convention in Scotland; and Skirving, whose name has before occurred, appears to have written circular letters upon the arrival of the Delegates of the

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two English Societies, desiring all the Societies to come together.

Your Lordships likewise recollect, that we have given in evidence, letters that were written by Hardy, and also by Margarot and Gerald, who were Delegates in Scotland; and likewise letters written from those Delegates to Hardy, whilst the Convention was sitting.

Hardy in a letter of the 8th of November, 1793, says—"That part of your letter which mentioned your visiting different towns in Scotland, for the purpose of promoting the cause;---they were pleased with the idea, but they thought that it could not be put in practice, on account of the necessary supplies, which come in but slowly."—Your Lordships will also find that there was that solemn resolution made, which has before been mentioned; and from the proceedings of the Society, it is clear that they had even laid the plans of future Conventions.

Your Lordships will also be pleased to recollect that, on the 8th of December, 1793, Margarot, who was then in Scotland, writes to the Secretary of the London Corresponding Society, a letter.—There is also a letter of the 22d of December, 1793, in which Margarot writes them, to come to very strong resolutions.—There is another letter of the 24th of December, 1793, of Skirving to Hardy, in which he says—"The time is now arrived, that we must shew ourselves worthy of Liberty, or deservedly lose it;---the opposition of our adversaries, is demonstration of the propriety and efficacy of the means which we have employed to obtain it."

Then upon the 20th of January, 1794, your Lordship will also recollect, that at the Globe Tavern they came to precisely the same resolution, as that which was come to in the Convention in Scotland, before that Convention was dispersed.—That upon any motion in the House of Commons, to prevent the people meeting in Societies for Constitutional information, the Convention should be called immediately;---and your Lordship will also recollect, that that motion was communicated from Scotland; (after the Magistrates had interfered) by a letter which has been read, written, I think, by Margarot or Skirving, in which they

state that that resolution was come to, leaving out, "*in case of invasion.*"—And they state that letters will not safely communicate all they have to say upon the subject.

After the dispersion of the Convention, these Societies no longer existed as a Convention; but the Friends of the People, and other affiliated Societies in Scotland, proceeded to form Committees of Ways and Means and Union:—I have therefore I submit, clearly laid a foundation to shew that up to this period, all those Societies were affiliated, that is the London and Scotch Societies; and that it is exceedingly clear, whatever Convention was to be called, was to be a Convention both of the people of England and Scotland.

This being so we have also laid before your Lordships evidence, of which I will say this only, that it is evidence to go to the Jury, that the affiliated Societies in London, many of the members of them were providing themselves with muskets and pikes; that the Sheffield Society, which corresponded as well with Scotland as with London, was also providing pikes:---then I conceive that I am at liberty to prove as a fact in this case, the providing of pikes, and the actual existence of plans of resistance to the government in Scotland at the same time, precisely upon the same principle as if we were now trying what would be a much more manifest overt act, I mean an open rebellion in the country.—I conceive, upon the principle laid down in Lord Lovat's, and other cases, that there could not be a particle of doubt, that if I had charged an open act of rebellion in England, that I should have been entitled to shew that in fact there was in Scotland, another armed force resisting the King's forces there; even though I did not shew any communication by letter between them, so as to make it probable that they were co-operating with each other.

I submit to your Lordships, that this is evidence to go before the Jury, leaving them to judge of the application that it has.

Mr. Erskine. We have been detained here for so many days, and we, who are of Counsel for the Prisoner, having only been dismissed from the Court to have that rest which nature requires, without any opportunity of looking at the different papers which constitute the great body of evidence in the cause,---I confess for

one,

one, that I am not so well prepared as I ought to be, nor is it possible for any man to be, to follow the Attorney General in the connection which he seems to labour upon the different documents which he has read. As far as I understand him, I take it that there is nothing that can or ought to connect the prisoner with the proceedings in Scotland, in which he is sought to be involved.— In the first place, the letter which the Attorney-General has read, from Skirving—

Mr. Attorney-General. In order that I may state the thing entirely to the Court, I beg to put the Court in mind that we have now proved that a circular letter which was to call this Convention, has been actually found in Scotland, and that that is a circular letter which is written after resolutions which state that they are to have a Convention of the people.

Mr. Erskine. I suppose the Attorney-General considers it only as evidence of the first branch.

Mr. Attorney General. Yes.

Mr. Erskine. Then we will admit it.

Mr. Garrow, to M^r. Ewan. I believe we left off at that part of Watt's plan, that had stated a design of kindling a fire at the Excise-office in the new town?

A. Yes; that a fire was to be kindled at the Excise Office, and a party of men to be stationed at the Luckenbooth, a party at the head of the Westbooth, and the fire was to draw the military from the garrison,

Q. From the Castle at Edinburgh?

A. Yes. When they came down past the booth, the men that were stationed upon the head of the booth, according as his plan ran, they were to come in behind them, and the men, stationed at the Luckenbooth, were to take them in the front, and so inclose them between two parties; as far as I could understand the paper read to us, there were different parties, as was mentioned, who were to seize the different banking-houses in Edinburgh, and Commissioners were to be appointed for to go and demand the cash from the banks: That is, as far as I recollect, the purport of that paper, which he read at that time.

Q. Of whom were those several parties, which were to be thus stationed, to be composed?

A. I do not know; I know not a single individual.

Q. What sort of persons, or belonging to what sort of Societies or Committees were they to be?

A. What I thought upon by his plan was, that he meant it to be done by the Friends of the People; but at the same time I did not know a single individual that was to engage in such an affair.

Lord Chief Justice Eyre. Did he say who the people were that were to execute this?

A. He did not.

Mr. Garraw. This plan of Watt's, I understand you, was read at a meeting of the Committee?

A. Yes; but I look upon it to be totally drawn up by himself; I never saw it till that night when he produced it.

Q. How many members of the Grand Committee might be present when Watt read his first plan?

A. There were five, I think: a Mr. Stock, myself, Watt, Downie, and Bonthron.

Q. Of how many was the Committee of Ways and Means composed?

A. Of seven altogether.

Q. So that there were five out of those seven present?

A. Yes.

Q. When Watt read this paper, what passed upon it in the Committee?

A. No farther passed upon it than that I objected to it, as soon as I understood he had done reading; I said I would by no means agree to any thing that was to disturb the peace, or that tended to shed the blood of my countrymen; Mr. Bonthron agreed along with me; he said, by no means; and, finding we made opposition to that paper, there was no further comment made upon it.

Q. Do you remember, at any other time, Mr. Watt producing either the same plan with any enlargement, or any new plan

plan or scheme, for any thing to be put in execution at Edinburgh?

A. I remember his reading a paper——

Q. When?

A. One of the last times that I was at that Committee; the last, or last but one; I am not positive which.

Q. How many persons were present?

A. I cannot recollect; but it was on a night when the Committee used to meet.

Q. The Great or Sub-Committee?

A. The Sub-Committee.

Q. What was the plan proposed by Watt at that Sub-Committee meeting?

A. It was rather a copy of a proclamation, as I collected it, prohibiting all farmers, dealers in corn, meal, or hay, to remove the same from their respective places of abode, under pain of death.

Lord Chief Justice Eyre. Was you present at that meeting too?

A. Yes.

Lord Chief Justice Eyre. How soon was that after the first?

A. I could not recollect; I think I was only five nights at that Committee altogether.

Lord Chief Justice Eyre. Was it the next night after, or later?

A. I rather think it might be two weeks after that.

Mr. Garrow. This proclamation forbids all farmers, dealers in corn, meal, or hay, to remove the same under pain of death?

A. Yes; and also to all gentlemen residing in the country, not to leave their respective habitations for a greater distance than three miles, under the same penalty; these, as far I can recollect, were the contents of that paper.

Q. Was there any thing in that address relative to his Majesty?

A. On the other side of the paper there was a copy of an Address to his Majesty.

Q. For what purpose?

A. Ordering him to dismiss his present Ministers, and to put an end to this bloody war, or he might expect bad consequences; it either ran this way—that he might expect bad consequences, or he might abide by the consequences; I could not understand which.

Q. When was this proclamation, according to Watt's representation, in that Committee, to be carried into execution?

A. The paper mentioned, I think, that this copy of an Address was to be sent to his Majesty the morning after the attack.

Q. Was the attack, that you describe, the drawing the soldiers from the Castle, &c.?

A. I could look upon it in no other light than that this was to strengthen that plan which he had read in the former Committee.

Q. Was it explained by him, in the Committee, what was to be done with those soldiers when they should be so surrounded?

A. No.

Q. Nor with the magistrates?

A. He did not enter into particulars.

Q. Upon his proposing the second plan, what passed about it?

A. There was nothing passed upon it, for when he had read that paper, I said, Mr. Watt, these things do not belong to the cause of reform, and I would by no means agree to any such things.

Q. Had you been a member of the British Convention at Edinburgh?

A. Yes.

Q. Was you present at the passing of any of their solemn resolutions?

A. No; I was not.

Q. Do you know a person of the name of Orrock?

A. Yes.

Q. Do you know of any order he received from Watt to form any offensive instruments of any sort?

A. Yes; Mr. Watt called upon me one day, and wished me to take a walk to Robert Orrock's; when I went there, he told him that he wished him to make some pikes, and, as far I can recollect, Orrock drew a model, upon the table, or something.

Q. What

Q. What trade is Orrock ?

A. A smith.

Q. Did he reside in the neighbourhood of Edinburgh ?

A. Yes ; within a mile. He sketched it out upon a slate, or upon a board ; he said he had four thousand to send to Perth, besides what he had to distribute about Edinburgh ; that was all that I remember.

Q. Do you know that, in point of fact, Orrock did make some pikes for Watt, in consequence of that order ?

A. I only knew it since Orrock was in confinement.

Q. Do you know of any having been found in Watt's or Orrock's houses ?

A. I never saw one of them.

Q. You mentioned a person of the name of Stock, who was present at this last meeting at which you and Watt were present ?

A. Yes.

Q. Did Mr. Stock, at that time, mention any place to which he was going ?

A. I remember he did ; he said, as far as I can recollect, that he was either going to London, or to Bristol.

Q. Did he mention any person in London in particular, upon whom he intended to wait, in order to establish a mode of correspondence with Mr. Watt ?

A. He said by desire of Mr. Watt that he would wait upon Mr. Hardy, Mr. Watt sending a letter along with him to Mr. Hardy.

Q. For what purpose was he to wait upon Mr. Hardy ?

A. As far as I could understand it, Mr. Stock said he would take a letter to Mr. Hardy, and that he would do every thing in his power to establish a correspondence between the two.

Q. What two, do you mean Hardy and Watt ?

A. Yes ; as far as I understood him.

Q. Do you remember Stock writing any thing then, as a plan of correspondence between himself and any other person ?

A. I remember he took a sheet of paper and divided it ; he marked upon one side, the Aristocrats are doing so and so, on the other, the Democrats so and so ; that is all I can recollect of it.

Q. What was that paper represented to be for?

A. Watt wished a correspondence between Hardy and him; he mentioned that he wished to correspond in a safe method; and he gave him this as a plan how he might correspond in safety; that was the plan he mentioned.

Q. Was any thing said at that meeting of Stock's calling again upon Watt on the subject of his going to London?

A. Watt said if he would call upon him next day, he should have the letter.

Q. Did you see any thing more of Stock?

A. I never saw any thing more of him after that.

Arthur McEwan,

Cross-examined by Mr. Erskine.

Q. Whether any letter was ever written to Mr. Hardy you do not know?

A. No.

Q. Or whether Mr. Hardy ever desired his correspondence you do not know?

A. I know nothing about it.

Q. Was you a member of the Society of the Friends of the People in Edinburgh?

A. I was of a Society at the Water of Leith.

Q. What was this Sub-Committee at which Watt, Downie, and other persons attended?

A. A Sub-Committee, which I looked upon to be for the purpose of looking into the finances of Mr. Skirving, for this reason, that Skirving had wrote a letter that there was twenty pounds owing to him.

Q. What was the object of your Society?

A. A Parliamentary Reform.

Q. What number did your Society consist of?

A. I suppose about twenty.

Q. Was you in the Convention?

A. Yes.

Q. How many of the meetings did you attend in the Convention when it sat?

A. I could

A. I could not say; I might be half a dozen nights there.

Q. Was you there when it was dispersed, when the magistrates came in?

A. Yes.

Q. During all the time you attended this Convention, did you ever hear, from any of the members, any such talk as Watt indulged himself in at the Committee?

A. Never.

Q. Would you have set your foot into the Convention if Watt, or any body else, had been talking of seizing upon the Judges, and sending an Address to the King?

A. No.

Q. You would not have done such a thing, would you?

A. No.

Q. Was there any thing of that sort in the Convention?

A. No.

Q. You never saw any thing of that sort?

A. No.

Q. From all you ever saw or heard of the members there, what do you believe the Convention met to do?

A. As far as I could understand it, they met to obtain a Parliamentary Reform.

Q. How did you understand, from the general conversation and debates in the Society, that they meant to set about obtaining that?

A. By a petition.

Q. Don't you recollect it was said, that although Parliament might not be disposed, as it had not been disposed to listen to petitions of small bodies of men, when no specific plan of reform was proposed, yet if a vast number of the people of England were to agree upon a plan, and point it out to the attention of the Parliament, very probably it would meet with better success?

A. I do not remember that.

Q. Were they to have petitioned that night, or how was that to be done?

A. That very night when the Convention was dispersed, it

was to have come under consideration, either to petition the House of Commons, or the King, as far as I can recollect.

Lord Chief Justice Eyre. Had there been any notice given of such a motion?

A. It was given the night before, as far as I heard.

Mr. Erskine. You heard so in the Convention?

A. Yes.

Lord Chief Justice Eyre. Don't you confound that with an Address to the Nation?

A. I do not recollect that.

Mr. Erskine. Have you seen the books lately?

A. No.

Q. Or heard them read?

A. No; I never put pen to paper upon the subject; I never corresponded with any man upon the subject.

Q. How may did the Convention consist of?

A. I could not say.

Q. But how many do you suppose they consisted of?

A. Near two hundred, I dare say.

Q. Had you ever any arms?

A. I never saw one.

Q. In any of the debates, that took place among the members of that Convention, was it ever proposed that they should arm themselves to overturn the Government?

A. I never heard it.

Q. Was any thing said to that effect in the Convention?

A. I never heard it in the Convention.

Q. Was it ever proposed that they should have arms, in order to defend themselves against the magistracy, and to insist upon making laws instead of the Parliament?

A. I never heard of arms in one place or another, till Watt asked me to go that day to Mr. Orrock's.

Q. Did Watt ever say any thing of that sort in the Convention when you was there?

A. I do not know.

Q. Was he a member of the Convention?

A. That I do not know any thing about.

Q. As

Q. As soon as Watt mentioned this, you say you rejected it with indignation?

A. Yes; Mr. Bonthron and me rejected it.

Q. What sort of people did your Society consist of?

A. Working people.

Q. In your Society was it ever proposed or debated among you to overturn the Government?

A. No.

Q. What sort of a reform was it you wanted?

A. The reform most of them spoke of was universal suffrage, and annual Parliaments; some were of that way of thinking, some for triennial Parliaments, as settled at the Revolution.

Q. What did you understand by universal suffrage?

A. The people at large to have the choice of their representatives.

Q. Was it ever debated, or was it ever proposed that the King's person or his throne were to be touched?

A. I never heard that mentioned.

Q. Was you to petition for any alteration in the House of Lords, or any thing of that sort?

A. No; to petition the House of Commons, or the King.

Arthur M'Ewan,

Re-examined by *Mr. Garrow.*

Q. What was the Committee of Union for?

A. I can give no information as to that.

Q. Upon your oath, was not the Committee of Union after the dispersion of the British Convention, for the purpose of establishing a new Convention, a Convention of Emergency?

A. Upon my oath I never heard at all,---I never was in it but that night when the letter was read from Skirving. I was never in it but that night I mentioned.

Q. O then, a Sub-committee formed out of the Committee of Union?

A. The first night I was in that Committee, which is styled a Committee of Union, that letter was read from Skirving;---the next night again I was appointed a member of this Sub-committee,
and

and what was going on in that Committee of Union I know not.

Q. Do you mean to represent that the purpose of the Committee of Union, as well as that of Ways and Means, was only relative to Skirving's letter about his own finances.---I ask you, was it not for the purpose of establishing a fund for a new Convention?

A. All the transactions I ever saw was in that light.

Q. You can give no account what the Committee of Union was for?

A. No; I was never in but that night that I was appointed a member of the Sub-committee.

Q. You would not have gone into the Convention, if you had had an idea of employing any force, or touching the King's Majesty, or at all encroaching upon the Constitution, or producing in short, a Reform, but by peaceable means?

A. No.

Q. Did you know that your Convention had resolved:--
 " That this Convention, considering the calamitous consequences
 " of any act of the Legislature, which may tend to deprive the
 " whole, or any part of the people, of their undoubted right to meet,
 " either by themselves, or by delegation, to discuss any matter rela-
 " tive to their common interest, whether of a public or private na-
 " ture; and holding the same to be totally inconsistent with the first
 " principles and safety of society; and also subversive of our known
 " and acknowledged Constitutional liberties;---do hereby declare,
 " before God and the world, that we shall follow the wholesome ex-
 " ample of former times, by paying no regard to any act which
 " shall militate against the Constitution of our country; and shall
 " continue to assemble and consider of the best means by which
 " we can accomplish a real representation of the people, and an-
 " nual election; until compelled to desist by superior force?"

A. I do not remember any such thing.

Q. Do not you know that with great solemnity, the Convention had come to that resolution?

A. No, I do not know that.

Q. Did

Q. Did you not know that the Convention had resolved, that in certain emergencies, they should declare their sittings permanent?

A. No, I did not know that neither.

Q. Nor that it should be constituted, and proceed to business, as soon as twenty-one should be met?

A. No.

Q. Did you not know that the Convention resolved that the Delegates were to hold themselves ready to depart at an hour's warning, and to repair to the place of meeting appointed by the Committee of Emergency.—Did you?

A. I have heard of that, but only know of that by hearsay.

Q. You have heard the Delegates were to meet at an hour's notice?

A. I heard it mentioned that they were to have another Convention, and that the Society were to get information respecting that other meeting.

Q. That they were to be furnished with information?

A. That they were to get information.

Q. Who was to furnish them with it?

A. I do not know.

Q. Upon your oath, do not you know it was to be a Convention of Emergency?

A. No.

Q. The purpose of this new Convention, I take it for granted, was only to petition Parliament for a reform?

A. That was the purpose of the Society I belonged to.

Q. And that was to be the purpose of the new Convention?

A. I could not say as to that at all.

Q. This gentleman has got you to say, that you would not have remained for a moment in the Convention, if you had had the idea of any force being employed;—upon your oath, how came you to attend a second meeting of the Sub-committee, with Watt, who had proposed a plan for drawing down the Soldiers from the Castle, in order to have them surrounded by the Friends of the People, and for carrying that first plan into execution.---

How

How came you to meet him at a second meeting, when he was enlarging upon that plan?

A. I did not know that he would repeat it again.

Q. Did you go and inform any Magistrate of such a plot?

A. No, but I informed the Sheriff.

Q. Did you inform the Sheriff of the first plan, before Watt communicated the second?

A. No.

Lord Chief Justice Eyre. You are asking this man to go the length of convicting himself of High Treason.---The Court ought to take care in the examination of a witness, that he is not called upon to accuse himself.---He is upon very perilous ground. I am not quite sure that you would be permitted to make use of a man's evidence against himself so obtained, or I would not have permitted it to have gone on so long.

Mr. Garrow. It has been examined to on the other side.---

Lord Chief Justice Eyre. It is difficult to say that a question should be asked on one side, which should not be controverted by examination on the other side;---witnesses therefore should understand what they subject themselves to.

Mr. Ewan. My Lord, I am not acquainted with these things, and I hope your Lordship will protect me.

William Middleton (sworn) by holding up the hand;

Examined by *Mr. Garrow.*

Q. Did you search the house of Watt, who was executed at Edinburgh?

A. Yes, I searched his house upon the 15th of May, last.

Q. Did you find any pikes in his house?

A. Yes.

Mr. Erskine. This was after Mr. Hardy was taken up.

Mr. Attorney General. It has now been spoken of, that Watt gave orders for pikes---we shall be able to prove by the time at which the orders were given, that it was before Hardy was apprehended.

Lord Chief Justice Eyre. That cannot be admitted.

(*The Court was about to adjourn.*)

Mr.

Mr. Erskine. My Lords, this is the fourth day that my friend Mr. Gibbs and myself, have stood undoubtedly in a very anxious situation;---there has been a most voluminous body of written evidence, all of which has not been printed;---copies of that part which is unprinted, have not as yet reached me:---there have been two days spent in hearing parol evidence; and we being but two assigned as counsel for the prisoner, have been obliged constantly to be engaged in Court, in cross-examining the witnesses for the Crown;---and your Lordships very well know, that the cross-examination of the witnesses, presents a great feature of our case on the part of the prisoner.---A great deal of that has fallen upon me:---your Lordships must be sensible it is impossible I could at the time of cross-examining a witness, take any particular note of what he has said.---When the evidence for the Crown was near closing, as I thought, I humbly requested of your Lordships for the indulgence of an hour or two to look over the papers;---your Lordships were pleased to grant my request, which I considered as a personal civility to myself.---I was prevented by extreme sickness, from availing myself of those two hours, for I was extremely ill, and nothing less than a case of this magnitude could have brought me into this Court,---Since that time I have not had natural rest, for I have not got home till between two and three o'clock in the morning, and have been here again at nine; so that I can say with a safe conscience, I have not had an opportunity of casting my eye upon any part of the evidence, though I trust I have something of the general result of it in my mind.---I should hope under these circumstances, the prisoner may be indulged with some opportunity, for my friend Mr. Gibbs and myself, to arrange our papers, and consider them together as Counsel for the prisoner, before we are called upon to make our defence:---and it is necessary to do this, not for my address to the Jury only, but it is necessary when I address the Jury, that I present them the prisoner's case, that depends much upon the arrangement of the evidence;---and I feel myself in no condition to do this, either in a manner that is respectful, or fit for the Court, or for the safety of the prisoner.---I do not wish to impose any particular time, but
merely

merely to leave it to the indulgence and justice of the Court, perfectly sure when I leave it there, I leave it in a safe place.

Lord Chief Justice Eyre. I feel the weight of your observations, of the difficulty under which you labour, in an extraordinary case, which can hardly be judged of by the common rules on which we proceed in cases of this nature;---the Court are of a disposition to give you all the indulgence they possibly can, because there is a vast mass of evidence, the case arises out of the evidence, and it is fit the case should be thoroughly canvassed.---At the same time, it is certainly notorious that the great bulk of that evidence has been in print a great while, and I cannot believe that it has not been very well considered as far as it has been in print,---I am sure that must be understood.

Now I will tell you very fairly, if the question was only the personal accommodation of yourself and Mr. Gibbs, at the expense of the personal convenience of myself, my Lord, and my brothers, I am quite sure we should have no difficulty in the sacrifice of our personal convenience;---but there is a great deal more in the case,---we have a Jury who have been thrown into the most arduous service that ever I saw a Jury engaged in; they have borne it in a manner that does them infinite honour, and I have no doubt but that as far as it is necessary that they should continue in the situation they are in, that they will bear it cheerfully.---I have seen such a specimen of their behaviour, that I cannot entertain a doubt of that;---but that we could give you an absolute suspension of the business in the situation that we are in, upon the terms of keeping the Jury in the situation in which they must be kept, is a thing that it is perfectly impossible for us to think of. Now this occurs to me, my brothers will consider of it;---I merely throw it out for their consideration.---You are men of honour, you will tell us whether you really do mean to call witnesses, or to take the case upon the ground upon which it is already made:---If you mean to call witnesses, you may call them to-morrow; you may go on with the case as far as it will be necessary for you to go on, to fill up all the time that ought to be filled up, leaving only a part of Sunday, the common interval of rest, without our keeping the Jury in a situation to do nothing,---If you do not mean

to call witnesses, but mean to leave the case with the observations which arise upon the evidence that is before the Court, we will go as far as we can;---but if witnesses are to be called, and you desire not to address the Jury immediately, you must immediately begin to examine your witnesses, as soon as they have closed on the part of the Crown; and fill up the time that will intervene between that time, and the time when you will be ready to go on with your address to the Jury.—In that way I think we shall put the Jury under no unnecessary hardships, because whether they hear the witnesses before or after the speech, is a matter of no importance to them.

Mr Erskine. I should be afraid to take upon myself the experiment of trying a cause, particularly of this magnitude, in a manner totally different from any that ever occurred in the annals of this country. I should be afraid to begin an experiment of that sort, more especially when Counsel in a capital case; because undoubtedly the evidence comes with infinitely more weight, and I mean by weight the proper weight evidence ought to have, the bearing of it upon the case when stated by the Counsel, who is to introduce it; and much of the effect of evidence is lost, and much distorted by the cross-examination of Counsel, until the true bearing of it is explained. I do not propose that which can be properly termed a suspension of the trial, that could throw that sort of inconvenience upon the Jury, which would, I am sure, give me as much pain as any body in the world;—but your Lordships will recollect the Attorney General in opening his case, (I am sure I think as highly as it is possible of the ability of the Attorney General, and of the manner in which he performed his duty) he found it necessary undoubtedly to spend nine hours in the opening of that case,---the prisoner most unquestionably may expect an equal time, if it were necessary, for his Counsel to take the same course in opening his case;---and if I were thrown upon it in the present moment, not having a sufficient recollection of the great points of the evidence, if I were put upon speaking to the Jury, I might take that course of reading at great length, great numbers of papers;---whereas, if I had the opportunity of a few hours more, which is the nature of my application, merely to arrange

my papers, and to select such as, in the judgment of my learned friend and myself, are sufficient to do this as it ought to be done, it would save time.

Lord Chief Justice Eyre. I dread the explanation of a few hours; Mr. Attorney General, what further evidence have you to produce?

Mr. Attorney General. I think my evidence will not take up more than forty minutes.

Mr. Erskine. I do not know whether your Lordships mean to sit on Sunday?

Lord Chief Justice Eyre. I shall sit late on Saturday night, I say nothing of Sunday.

Mr. Erskine. I am literally at this moment, and I have been all day yesterday and to-day so extremely unwell, that I do not think if I were called upon to speak for any length of time, I could possibly support it.

Lord Chief Justice Eyre. I can easily think that to be the case, and it is a circumstance I am extremely sorry for; on the other hand, I cannot hazard the situation of the Jury.

Mr. Erskine. I should be sorry to put the Jury to any inconvenience.—I do not shrink from the business, I am extremely willing to suffer any thing, but I assure your Lordship that my health is extremely suffering by it.

Lord Chief Justice Eyre. What is it you ask for?

Mr. Erskine. As I stated before, the Attorney General found it necessary to consume nine hours, I shall not consume half that time,---certainly I think I shall not consume half that time, if I had an opportunity of doing that which I humbly request of the Court, that is, of arranging the materials in such a manner, that I should be able to make those observations which occur to me to be the proper observations to be made, as Counsel for the prisoner.

Lord Chief Justice Eyre. We have offered you an expedient; neither of you say to us whether you can accept it,

Mr. Gibbs. With respect to that expedient, I have no doubt to say that it is utterly impossible for Mr. Erskine and myself, in the situation in which we are, respecting ourselves, respecting

the-

the Court, and respecting the Public, and the Jury, it is utterly impossible for us to think of that, because if any thing adverse should happen when we have taken such a line, the imputation will lie upon us.

Lord Chief Justice Eyre. That it may not be in your judgment a desirable thing is very well, but that there is any other objection to it, I cannot agree to. Whether the case is taken upon the summing up of the evidence, or whether it is taken upon the opening of the evidence, is as to all legal purpose the same; I can see no difference: it may make a vast difference in your judgment, as to what is the best manner and the best method of laying your case before the Jury; undoubtedly we are assisting the prisoner by putting the Counsel in a situation to do his business in the best manner, by proposing it thus; whereas if they were put upon doing it in the ordinary course, they would lie under a peculiar difficulty and disadvantage. Mr. Erskine has not yet told us what he asks.

Mr. Erskine. Since it is put expressly to me, I shall propose, unless the Jury profess it a very serious inconvenience to them, instead of coming in the morning at the time we generally come, our coming at twelve o'clock, so that the Attorney General can finish at one. Mr. Gibbs will have the goodness to take a note of the few facts stated by the witnesses; I shall be able by that time to come.

Lord Chief Justice Eyre. Then suppose we adjourn to eleven o'clock.

Mr. Gibbs. We conceive your Lordships will permit Mr. Erskine to open the Case of Mr. Hardy; then our Witnesses will be examined, and then I shall be heard after our witnesses.

Lord Chief Justice Eyre. You will conduct your case in the manner you think best for the interest of your Client.

Mr. Erskine. I should be glad if your Lordships would allow another hour.

Lord Chief Justice Eyre. I feel so much for the situation of the Jury, that on their account I cannot think of it.

Mr. Erskine. My Lord, I never was placed in such a situation

in the whole course of my practice before, with so many Gentlemen on the other side; however, I don't shrink from it.

One of the Jury. My Lord, we are extremely willing to allow Mr. Erskine another hour, if your Lordship thinks proper.

Lord Chief Justice Eyre. As the Jury ask it for you, I will not refuse you.

It now being Half past One o'Clock, on Saturday Morning, the Court adjourned to Twelve o'Clock.

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SESSION

SESSION HOUSE IN THE OLD BAILEY.

Saturday, November the 1st, 1794.

PRESENT;

Lord Chief Justice EYRE;

Lord Chief Baron MACDONALD;

Mr. Baron HOTHAM;

Mr. Justice BULLER;

Mr. Justice GROSE;

And others his Majesty's Justices, &c.

Thomas Hardy set to the bar.

Mr. Attorney General. I am now going to call a witness to prove that a paper was found in the possession of Mr. Thelwall, and also to prove that another paper of the same sort was found in the possession of Mr. Martin, being of the hand-writing of Martin. These papers were found after the apprehension of Mr. Hardy. When I have proved that the papers were found in the possession of Martin and of Thelwall, I shall then go on to prove by a witness or two, whom I shall call for that purpose, that they existed in the possession of each of them long before the apprehension of Mr. Hardy: they purport upon the face of them to be prepared for the General Meeting of the Corresponding Society, upon the 14th of April, 1794, at Chalk Farm.

Mr. Gibbs. Your Lordship sees that the evidence offered is that these papers, after the apprehension of Mr. Hardy, were found in the possession of Mr. Martin and Mr. Thelwall, merely that they were in their possession, not that they were ever used by them—it does not appear but that they might have got into their possession again, but simply that they were in their custody as a newspaper is in my hand this morning, and may pass into other hands.

Lord Chief Justice Eyre. The only ground upon which any paper is objected to as evidence, found after the apprehension of

the party, is that by possibility the paper might not have existed, or might not have been in the hands of the person till after his apprehension; that is the only ground upon which the evidence is refused; if they remove that ground of objection, it is admissible.

Mr. Gibbs. I understand the rule generally to go to any paper that was in the hands of any one person. I understand that to be the principle.

Lord Chief Justice Eyre. That goes rather to the effect of the evidence, than to the admissibility; it being found in the possession of the parties before the apprehension, removes in fact the objection.

Mr. Attorney General. Mr. Martin and Mr. Thelwall, in whose custody the papers were found, were persons who, together with Mr. Hardy, were appointed to prepare the proceedings for the Chalk Farm Meeting.

Lord Chief Justice Eyre. I observed that that goes more to the effect of the evidence, than to its admissibility.

Mr. Charles Schaw (sworn)

Examined by *Mr. Attorney General.*

Q. Where did you find that paper? (*shewing it to the witness*)

A. In Mr. Thelwall's house.

Q. When you apprehended him?

A. After he was taken away; I remained to bring away the papers.

Q. Upon what day?

A. On the night of the 13th of May, or the morning of the 14th. It was the morning of the 14th.

Mr. Gibbs. This is certainly an informal mode of proceeding; I conceive that these papers cannot possibly attach upon Mr. Hardy, as they were found subsequent to his being taken into custody.

John Nost (sworn)

Examined by *Mr. Attorney General.*

Q. Look at that paper? (*shewing it to the witness*).

A. I found this in Mr. Martin's chest in the King's Bench Prison.

Mr. Gibbs. When did you find it?

A. On the 29th of May.

Mr. William Walker (called again.)

Mr. Attorney General. Look at that paper (*showing it to the witness*) do you know whose hand-writing that is?

A. I believe it to be Mr. Martin's hand-writing.

Q. Have you seen him write?

A. I have.

(*Another paper shown to the Witness.*)

Q. Whose hand-writing do you believe that to be?

A. I believe that also to be Mr. Martin's hand-writing.

Mr. Gibbs. Did you ever see Mr. Martin write?

A. Yes; frequently.

Q. You did live in the Adelphi, I believe?

A. I did.

Evan Evans (sworn)

Examined by Mr. Attorney General.

Q. You were confined in the King's Bench Prison, I believe, for debt?

A. Yes.

Q. When did you leave the King's Bench?

A. I cannot rightly tell.

Q. How long ago?

A. I suppose six or seven months ago. I left it on the 31st of July.

Q. How long had you been there?

A. Near two years.

Q. Do you know John Martin?

A. Perfectly well.

Q. Was he a prisoner there?

A. He was.

Q. Do you remember, while you were in the King's Bench, ever seeing either of the papers now put into your hand?

A. I remember perfectly well seeing both the papers,

Q. When was it that you saw them?

A. I believe about the beginning of April.

Q. Look at the top of this paper, and tell me whether it was before the date there mentioned, or not?

A. It was before this time.

Lord Chief Justice Eyre. Where did you see them?

A. In the room where Martin was.

Mr. Attorney General. Had you any conversation with Martin at that time?

A. I had—he told me he wrote the resolutions for the Society at Chalk Farm; he had a copy of them, and read them several times in the room.

Q. Look at the other paper, and tell my Lord and the Jury whether those are the papers which he read several times in the room, or not?

A. I really cannot recollect; he often read them to one Pearce, who used to come to see him; he said he wrote the resolutions for Chalk Farm, and that there was plenty of cayenne in them; and if they followed his advice or example, there would be warm work among them before the month of May was out.

Q. Did you know Pearce?

A. Perfectly well.

Q. Did he use to come there?

A. He took the resolutions from Martin to Chalk Farm.

Mr. Gibbs. How do you know that?

A. I saw Martin give the papers to Pearce.

Mr. Attorney General. Was Mrs. Evans, your wife, with you?

A. Yes, she was.

Q. Was Mr. Tourll present at that time?

A. He was there when Mr. Martin mentioned about the resolutions, that he had put plenty of pepper in them.

Q. Did they see these papers as well as you?

A. My wife saw them.

Q. Did they hear the declarations of Martin, as you have stated them, as well as you?

A. Yes,

A. Yes.

Evan Evans.

Cross-examined by *Mr. Gibbs.*

Q. What are you?

A. I was formerly a grocer.

Q. Were you in the King's Bench Prison for debt?

A. Yes.

Q. For two years, I think you say?

A. Nearly.

Q. Had you any difference with Mr. Martin there?

A. We had a difference last of all; Mr. Martin wished to have the room I was in to himself.

Q. I do not want to know the reason of your difference—you had a violent quarrel?

A. No; we had no quarrel, only a dispute.

Q. You never uttered any expressions of resentment or threats against him, did you?

A. Never,

Evan Evans,

Re-examined by *Mr. Attorney General.*

Q. Was there a man of the name of Gay in the King's Bench Prison at the time that Martin was there?

A. There was,

Mr. Attorney General, At the end of Martin's letter, he mentions Gay.

Ann Evans (sworn)

Examined by *Mr. Attorney General.*

Q. You are the wife of the Gentleman who gave evidence just now?

A. Yes,

Q. You attended your husband, I believe, in the King's Bench Prison?

A. Yes; I went backwards and forwards to him.

Q. Do you know Mr. Martin?

A. Yes; very well.

Q. Did you ever see these papers before, look at them? (*showing them to the witness.*)

A. Yes; I have seen them both.

Q. Where may you have seen them?

A. In the King's Bench.

Q. In whose room or possession?

A. In Mr. Evans's room, in Mr. Martin's possession.

Q. When was it that you saw them there; was it before or after the month stated at the top?

A. It was in that month.

Q. Did you happen to hear Mr. Martin say any thing respecting these papers; and if he said any thing, what was it that he did say?

A. I remember his reading this paper, particularly mentioning that it is not lawful to take up arms against the King; he read the paper through, but there is nothing more that I recollect, as I was passing to and fro, but those words.

Q. Did you hear him say any thing else, except what he said about the paper?

A. Nothing else; there were three Gentlemen present, to whom he read it.

Q. Was there any talk about Chalk Farm?

A. Yes; I heard him mention that he had drawn the resolutions up for Chalk Farm.

Q. Did he say any thing else?

A. He said if they kept by his resolutions, they were very warm ones, for he had put plenty of cayenne into them, and that there would be very warm work.

Q. Do you remember a person of the name of Pearce coming there?

A. Perfectly well; Mr. Martin's Clerk.

Q. Had Martin and Pearce any conversation about these papers, or Chalk Farm?

A. I heard none till he brought the resolutions printed; Pearce said he had had many of them, but that he had distributed them among the workmen of a Coach-maker in Long-Acre, but that

Mr.

Mr. Hardy had a great many more printed, and that he could get more.

Mr. Gibbs. Your Lordships see this is not evidence against Mr. Hardy; in fact, it is not the more evidence for Hardy's name being mentioned, than if it was not mentioned.

Lord Chief Justice Eyre. I do not know that it is.

Ann Evans,

Cross-examined by *Mr. Gibbs.*

Q. What resolutions were those that Mr. Martin spoke of?

A. For the meeting of the London Corresponding Society at a dancing-room in Tottenham Court Road, and that they removed from thence to Chalk Farm.

Mr. Attorney General. Do you know what street that is in?

A. No.

Mr. Gibbs. Can you swear that these are the very papers that you saw in Mr. Martin's hand?

A. I can.

Q. Were they ever put into your hand to read?

A. They were not; but I have had them in my hand frequently.

Q. Since?

A. No, at that time.

Q. You have frequently read them?

A. Yes.

Q. You amused yourself with looking into Mr. Martin's papers when he was not there?

A. And when he was present likewise.

Q. When you speak of the copies that Pearce said had been given among the Coachmakers, do you mean to say that they were copies of these papers?

A. They were the resolutions printed.

Q. But you do not mean that they were copies of those which are now put into Court?

Lord Chief Justice Eyre. I did not understand them to be the originals, or copies of the resolutions read at Chalk-Farm, but that Martin said, at the time they saw these papers, that he had prepared

prepared the resolutions for Chalk-Farm, and that the paper brought by Pearce was a printed copy of those resolutions; unless this shall turn out to be the original of the resolutions, it amounts to nothing.

Mr. Gibbs. I know it is not, but I thought that mistake might arise.

Thomas Tourll (sworn)

Examined by *Mr. Attorney-General.*

Q. I believe you had the misfortune to be in the King's-Bench Prison about the months of March and April last?

A. Yes.

Q. Do you know Mr. John Martin at all?

A. I know him by frequently seeing him in Mr. Evans's room; I never knew him before he came there.

Q. That is the husband of the lady who was here just now?

A. Yes.

Q. Did you ever see this paper before? (*shewing it to the witness.*)

A. No.

Q. Did you hear Martin say any thing about the Chalk-Farm Meeting?

A. I did.

Q. Be so good as state what you heard him say?

A. One evening, when I called in at Mr. Evans's room, Mr. Martin came in.

Q. What month was that in?

A. I believe in April; it was three or four days before the Chalk-Farm business.

Q. State what Mr. Martin said in your hearing, about the Chalk-Farm business?

A. Mr. Martin came in, and the business of Chalk-Farm came up; he asked me if I had read any thing of it—I told him I had not; in conversation, he said he had drawn up, and I think he said he had sent the resolutions; I am certain he said he drew them up, and, he said, if they followed the resolutions, there would be warm work, for he had put in plenty of Cayenne.

Q. Was there a man of the name of Gay in prison at that time?

A. There was.

Q. Were he and Martin much together?

A. Very often.

Mr. Attorney-General. I will read presently a resolution of the Constitutional Society, relative to that Mr. Gay; his name occurs in that letter, and I think he appears to be proposed as a member to that Society by Mr. Tooke.

Q. Did you see Pearce there?

A. I have seen him there two or three times.

Q. Perhaps you had not occasion to observe any particular communication between them?

A. I had not.

Mr. Attorney General. Now I take it there is no objection to reading the paper; therefore I desire it may be read, and I would beg of your Lordships, and the Jury, not only to attend to what is left in the paper, but to what is struck out of it; to look at the paper itself,

(The paper read.)

" At a General Meeting of the London Corresponding Society,
" held at on Monday, the 14th day of April 1794.

" Citizen ————— in the Chair,

" Resolved, That all sovereign, legislative, and judicial powers,
" are the rights of the people; and though the people have
" delegated those their original powers to others, in *trust*, for the
" benefit of the community, yet the rights themselves are re-
" served by the people, and cannot be absolutely parted with by
" the people to those persons who are employed to conduct the
" business of the state,

" Resolved, That the Constitution of England is held by the
" King, Lords, and Commons, and other officers appointed by
" the people in *trust*, for the benefit of the people; and though
" these trustees may regulate and improve the Constitution, yet
" they

" they cannot alter or subvert it without committing treason
 " against the nation.

" Resolved, That *Magna Charta*, or THE GREAT
 " CHARTER OF THE LIBERTIES OF ENGLAND,
 " made in the reign of King John; THE PETITION OF
 " RIGHTS, assented to by Parliament in the reign of King
 " Charles I. and the several laws made at and in consequence of
 " the *Glorious Revolution* in the year 1688, are declaratory of
 " those parts of the Constitution of England, which are in and by
 " them respectively declared.

" Resolved, That the office of KING of England was not in-
 " stituted by the people merely as an office of profit and honour to
 " the King, but he was so appointed as chief trustee and guardian
 " of the Constitution and rights of the people; and that important
 " and laborious personal duties are annexed to the regal office,
 " the objects of which are, to promote the good of the people,
 " and preserve their rights in full vigour from innovation and
 " corruption.

" Resolved, That it is the duty of the King to preserve the
 " constitution of England and the rights of the people against
 " every incroachment; and in order to enforce that duty, the
 " following oath is required to be taken by every King on his
 " accession to the throne of Great-Britain, to wit: The Arch-
 " bishop or Bishop shall say—" Will you solemnly promise and
 " swear to govern the people of this kingdom of England, and
 " the dominions thereto belonging, according to the statutes in
 " Parliament agreed on, and the laws and customs of the same?"

" The King or Queen shall say, " I solemnly promise so to
 " do." Archbishop or Bishop—" Will you to your power cause
 " law and justice in mercy to be executed in all your judgments?"

" ANS. " I will."

" After this, the King or Queen, laying his or her hand on
 " the Holy Gospels, shall say—" The things which I have before
 " promised I will perform and keep; So help me God" and
 " then shall kiss the book.

" Resolved, That his present Majesty King George the
 " Third,

" Third, on his accession to the throne of these realms, did solemnly take the said oath.

" Resolved, That the constitutional rights of the people have been violated, and that it is the duty of the people, in the present alarming crisis, to assemble and enquire into the innovations or infringements which have been made upon the rights of the people, and how far the declarations of the constitution, as they were settled at the afore said Revolution, remain in force, and which of them have been violated, and by whom; and also whether such innovations, infringements, and violations, have been committed from the negligence or corruption of those who have been intrusted with the government of the State.

" Resolved, That this Society do invite the people to meet in their respective neighbourhoods, to elect one or more person or persons as delegates to meet in a Convention, to be held on the day of next, at such place as shall be appointed by the Secret Committee of this Society; and that the delegates so elected do forthwith transmit to the Secretary of this Society, No. 9, Piccadilly, London, the vouchers of their several elections, in order that the place of meeting may be duly notified to them.

" Resolved, That it is the right and the bounden duty of the people to punish all traitors against the nation, and that the following words are now not a part of the oath of allegiance; to wit, " I declare that it is not lawful, upon any pretence whatever, to take arms against the King."

John Edwards, called again,

Examined by Mr. Garrow.

Q. You have been already examined?

A. Yes.

Q. Were you a member of the London Corresponding Society?

A. Yes.

Q. And attended the division meetings?

A. Yes.

A. Yes.

Q. Look at that paper; (*showing him a paper*) were papers of that sort distributed at the division meetings of the Society?

A. I never saw them distributed.

Q. Did you ever see them there?

A. I saw one of them handed round at the division at Snow-hill.

Q. When?

A. I cannot justly say.

Q. About how long ago?

A. May be nine months ago now.

Q. Did you see more than one?

A. I never saw but that one.

Lord Chief Justice Eyre. What number was that division?

A. The division that met at Scotney's, the Three Tuns, on Snow-hill, I think No. 11.

Mr. Gibbs. Does your Lordship think that without producing the paper itself, which was handed round, they can give in evidence a paper similar to it?

Lord Chief Justice Eyre. If he can take upon himself to say that it is the same paper.

It was read.

"Countrymen you are told by those who are in office, that you are in danger of a French invasion.

"You are told by those who are out of office, that you are in danger of a Hessian or Hanoverian invasion.

"In either case arms will be of use to you; agree among yourselves, get arms, and learn the use of them!"

*William Middleton called again,
Examined by Mr. Garrow.*

Q. Did you at any time find any pikes in the house of Orrock in Edinburgh?

A. Yes; upon the evening of the 15th of May last I searched the house of Orrock.

Q. Did

Q. Did you find any pikes there?

A. Yes—to the amount of thirty-three, finished and unfinished.

Q. Those which you state to be finished, had blades and shafts, I suppose?

A. They were none of them with shafts, there were only the blades.

Q. Did you find any in the possession of any other person?

A. Upon the same day, in the house of Robert Watt, who was lately executed at Edinburgh, there were twelve found at one search, and four at another.

Q. Were they likewise blades without shafts?

A. There was one shaft.

Mr. Gibbs. Does your Lordship think that this, which was all after the apprehension of the prisoner, is evidence?

Mr. Attorney General. I mentioned last night that I had proved the order to be given for them before the apprehension of the prisoner; the order by Watt and M'Ewan.

Mr. Gibbs. Then that is all that you can prove?

Mr. Attorney General. We have proved that Stock produced to Watt and Ross a printed circular letter, signed Thomas Hardy, which is verbatim the same circular letter, a bundle of which was found in the possession of the prisoner; we have already proved that there was a conversation at that time, in which Watt desired that Stock would bring about a communication with Hardy; we certainly have not proved that Stock brought about that communication; but, I submit to your Lordships, that if we prove the order for the pikes to have been given previous to that time, that the execution of that order follows naturally, and necessarily upon it.

Mr. Garrow. We submit to your Lordships that it is evidence to go to the Jury, that the pikes which were found in the possession of Watt, are those pikes which were made in execution of the order given by Watt to Orrock, antecedent to the apprehension of the prisoner.

Mr. Gibbs. It seems to me that upon the principle your Lordships have laid down, that nothing which happened after the apprehension

prehension of the prisoner can be evidence against him; this evidence ought to be excluded: Whether the evidence they have given, previous to the apprehension, answers the purpose they wish, is another thing; but some pikes having been ordered by Orrock, or Watt, before the apprehension of Mr. Hardy, does not make the finding of these pikes, after the apprehension of Hardy, evidence, any more than if no order whatever had been given for them previously: if the former evidence is not complete for the purpose for which they want it, I cannot conceive upon what principle the pikes being found in the possession of this man, after Mr. Hardy's apprehension, is rendered evidence, by a circumstance which happened before it; it would not have been evidence supposing that communication had not taken place.

Lord Chief Justice Eyre. It appears to me that there is a clear, satisfactory ground upon which the evidence must be received, at the same time that you would be at liberty to insist that the execution of the order afterwards does not personally affect the prisoner, but it is a circumstance in evidence to establish the truth of the evidence of the order that the things were found afterwards corresponding with the order.

Mr. Gibbs. Your Lordship sees, in arguing this, that I do not mean to admit that the order was Mr. Hardy's, or any thing like it.

Lord Chief Justice Eyre. Nor do I wish to put you to admit any such thing.

Mr. Garrow, to Middleton, How many did you find?

A. In the first search I found twelve blades without handles.

Q. What was it that led you to search Watt's house?

A. The circumstance that carried me there was, there was a bankrupt had secreted some goods in Watt's house; in searching for those effects I found these blades for pikes.

Q. In what part of the house did you find them?

A. In the lower part of the house, in his dining-room, as his maid called it; a locked-fast closet, or a locked-fast press.

Q. Did you deliver to Mr. Clarke, the Sheriff of Edinburgh, those which you found in the house of Orrock, and those which you found in the house of Watt?

A. They

A. They were brought to Sheriff Clarke's office, and lodged there; there was one shaft found along with the four which were found at the second search.

Q. Were the shaft and the blade united, at the time you found them, or apart?

A. They were not united; but there was a Mr. William Lockhart, Sheriff Clarke's Depute, attended; we tried one of the blades to the shaft, and they fitted exactly.

Q. The manner in which they are attached is, I understand, by a screw?

A. Yes.

Q. Mr. Lockhart, you said, was with you?

A. He was present with me in the man's house.

John Edwards. I shall esteem it a favour if I may be permitted to say a few words to the Jury, before I leave the Court.

Lord Chief Justice Eyre. To the Jury!

A. Or to your Lordship.

Lord Chief Justice Eyre. Is it to change any thing in the testimony you have given?

A. Not to change, to explain. When I was examined the night before last, Mr. Garrow was very particular in asking me if I received an address to a person at Sheffield from Mr. Hardy; it is true I received an address, and a meeting was to have taken place in Green Arbour-court; I wish to let the Jury know that that meeting never did take place; no money was put down, and no letter was sent to Sheffield.

Mr. Attorney General. Having mentioned this, I would ask, had you any talk with Hillier about the ale-house in Green Arbour-court?

A. On the day that Hardy was taken into custody, Hillier and Gosling were at our house.

Q. When did you first see Hillier's pike?

Lord Chief Justice Eyre. This leads to a cross-examination. A witness desires to explain a circumstance in his evidence; I should be very unwilling to introduce a new examination.

Mr. Garrow. Does not your Lordship think it fit to enquire who he has talked to since he was examined?

Lord Chief Justice Eyre. No; I do not think it necessary; his explanation seems a fair one, to prevent any misinterpretation of his evidence.

Mr. Attorney General. If a witness is to come afterwards, in this way, to explain his evidence, his not stating this in his original examination cuts out a great number of material questions.

Lord Chief Justice Eyre. I perfectly agree with you; this explanation ought to be received with abundant caution by the Jury; and from another circumstance, the sort of practice we have got into, of any man's printing such accounts as his industry may collect in Court, is certainly a very inconvenient practice, because it may lead to conversations with witnesses, and may induce these explanations. The Jury will understand that the explanation is made in that situation of things, and they will form their own judgment upon it. Yet still, I think, it should rest with the explanation that the witness desires to offer.

Mr. William Lockhart (sworn)

Examined by *Mr. Garrow.*

Q. You are what they call Sheriff Clarke's Depute, in the city of Edinburgh?

A. Yes.

Q. Did you go with Middleton to the house of Orrock?

A. No; to Watt's house.

Q. Were you present at the finding of any blades for pikes at Watt's house?

A. Yes.

Q. How many did you find upon the first search?

A. Twelve.

Q. Where were they?

A. In a locked-up press in his dining-room.

Q. How soon did you renew your search?

A. One happened between eight and nine o'clock, the other between twelve and one.

Q. How many did you find at the second search?

A. Two

A. Two pike-heads.

Q. Blades ?

A. Yes ; and two battle-axes, and a pole.

Q. Did you make any trial whether the blades and the pole ; as you call it, would fit each other ?

A. Yes.

Q. Where is the pole ?

A. It is here. (*The witness produced it.*)

Q. Where did you deposit the several things that you found at Watt's house ?

A. At Mr. Sheriff Clarke's.

Q. Were they locked up and deposited in his care ?

A. They were in this box. (*producing it*)

James Clarke, Esq; (sworn)

Examined by Mr. Garraw.

Q. I believe you are Sheriff of Edinburgh ?

A. Yes.

Q. Was that box, and the thing the witness calls the pole, deposited in your care as Sheriff ?

A. The pikes, he mentions, were deposited in my care ; they were in a locked-up place of mine from the time that they were found till the trials at Edinburgh ; when they were carried down to be shewn at the trials ; they were committed to the witness, who was to produce them.

Q. Except then when they were delivered to Lockhart, they have been constantly locked up under your care ?

A. Yes, they have.

Q. (*To Mr. Lockhart.*) Did you return these to the Sheriff, which you had from him, after the Edinburgh trials ?

A. No ; I have kept them in my custody ever since.

Q. And are these the same the Sheriff delivered to you ?

A. They are.

Q. (*To Mr. Clarke.*) Is Stock still living at Edinburgh, or has he absconded ?

A. We have made every search possible to apprehend him, but without success.

Mr. Garrow, to Mr. Lockhart. Open the box, and take out some of those blades. (*Mr. Lockhart opened the box.*)

Q. Is that what you call the battle-axe?

A. It is. (*The witness screwed it on a shaft.*)

Q. Have you got any other sort of blades there?

A. Yes. (*The witness produced some pike-blades, shaped like a bayonet, unscrewed the battle-axe, and screwed on a pike in its stead.*)

Mr. Garrow. You appeared to me, in taking one of these blades out, to screw off something—what is that?

A. When that is screwed off, it is rendered fit to attach to the pole; when that is on, it forms a handle; so that it may be used without a pole.

Mr. Attorney General. Martin, in his letter to Margarot, in Scotland, says, Gay will tell you more than I dare mention. I am going to read the account of Gay's being admitted a member of the Constitutional Society; he was proposed by Mr. Tooke, and seconded by Mr. Bonney.

(*The entries were read.*)

" At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Friday, 15th March, 1793,

" PRESENT,

" Captain Tooke Harwood in the Chair.

" Mr. Balmanno, Mr. Kydd, Mr. Tooke, Mr. Martin, Mr. Fazackerly, Count Zenobio, Mr. Sharp, Mr. J. Williams, Mr. Bonney, Mr. Symonds, Rev. Mr. Joyce, Mr. Holcroft, Mr. Swainson, Mr. Banks, Lord Sempill, Mr. Wills, Mr. Parkinson, Mr. Bailey, Mr. Frost, Mr. G. Williams.

" Mr. Gay, of Duke-street, St. James's, was proposed by Mr. Tooke, and seconded by Mr. Bonney."

" At a meeting of the Society for Constitutional Information, held at the Crown and Anchor Tavern, Strand, Friday, 22d March, 1793,

" PRE-

" PRESENT,

" Mr. Symmonds in the Chair.

" Mr. Frost, Mr. Hull, Count Zenobio, Mr. Tooke, Mr.

" Wills, Lord Sempill, Mr. Bonney, Mr. Kydd, Mr.

" Satchell, Mr. J. Martin, Mr. Aufell, Mr. Holcroft, Mr.

" Balmanno, Capt. T. Harwood, Mr. Parkinson, Mr. J.

" Williams, Dr. Kentish, Mr. Margarot, Mr. Hardy.

" Mr. Gay, Mr. Pellatt, and Mr. Thomas Foffett, were
elected members."

Lord Chief Justice Eyre. Does it appear that the Gay,
who was in prison, is the Gay of Duke-street?

Mr. Attorney General. Call Mr. Tourll and Mr. Evans.

Alexander Grant called again.

Mr. Attorney General. Do you know whose hand-writing that
paper is?

A. I do not.

Evan Evans again called.

Mr. Attorney General. You mentioned a person of the name
of Gay, who was in the King's Bench Prison?

A. Yes.

Q. Do you know where he lived before he went into the
King's Bench Prison?

A. I do not. I think I should know if I heard it mentioned,
because I have heard it mentioned several times.

Q. Was it Duke-street?

A. I believe it was near St. James's; he used to be with
Martin every day.

Mr. Attorney General. My Lord, I have now finished the
evidence on the part of the prosecution.

The End of the Evidence for the Prosecution.

The Honourable THOMAS ERSKINE,

Gentlemen of the Jury,

Before I proceed to the performance of the momentous duty which is at length cast upon me, I desire in the first place to return my thanks to the Judges, for the indulgence I have received in the opportunity of addressing you at this later period of the day, than the ordinary sitting of the Court; when I have had the refreshment which nature but too much required, and a few hours retirement, to arrange a little in my mind that immense matter, the result of which I must endeavour to lay before you. I have to thank *you* also, *Gentlemen*, for the very condescending and obliging manner in which *you* so readily consented to this accommodation;—the Court could only speak for itself, referring me to you, whose rest and comforts had been so long interrupted; and therefore I shall always remember your kindness.

Before I proceed to the regular consideration of this great cause, either as it regards the evidence or the law, I wish first to put aside all that I find in the speech of my learned friend, the Attorney General, that is either collateral to the merits, or in which I can agree with him. First then, IN THE NAME OF THE PRISONER, and speaking *his* sentiments, which are well known to be my own also, I concur in the eulogium which you have heard upon the Constitution of our wise forefathers.—But before this eulogium can have any just or useful application, we ought to reflect upon what it is which entitles this Constitution to the praise so justly bestowed upon it. To say nothing at present of its most essential excellence, or rather the very soul of it, the share the people ought to have in their government, by a pure representation, for the assertion of which the prisoner stands arraigned as a traitor before you,---What is it that distinguishes the government of England from the most despotic monarchies? What but the security which the subject enjoys in a trial and judgment by his equals; rendered doubly secure as being part of a system of law which no expediency can warp, and which no power can abuse with impunity,

The

The Attorney General's second preliminary observation, I equally agree to.—I anxiously wish you should bear in memory the anarchy which is desolating France.—Before I sit down, I may perhaps in MY turn, have occasion to reflect a little upon its probable causes; but waiting a season for such reflections, let us first consider what is the evil which has been so feelingly lamented, as having fallen on that unhappy country.—It is that under the dominion of a barbarous state necessity, every protection of law is abrogated and destroyed;---it is that no man can say under such a system of alarm and terror, that his life, his liberty, his reputation, or any one human blessing is secure to him for a moment: It is that if accused of federalism, or moderatism, or incivism, or of whatever else the changing fashions and factions of the day shall have lifted up into High Treason against the State---he must see his friends, his family, and the light of Heaven no more:---the accusation and the sentence being the same, following one another as the thunder pursues the flash. Such *has been* the state of England,---such *is the* state of France:---And how then, since they are introduced to you for application, ought they in reason and sobriety to be applied? If this prosecution has been commenced (as is asserted) to avert from Great-Britain the calamities incident to civil confusion, leading in its issues to the deplorable condition of France;---I call upon you, Gentlemen, to avert such calamity from falling upon my client, and thro' his side upon yourselves and upon our country.---Let not *him* suffer under vague expositions of tyrannical laws, more tyrannically executed.---Let not him be hurried away to pre-doomed execution, from an honest enthusiasm for the public safety.---I ask for him a trial by this applauded Constitution of our country:---I call upon you to administer the law to him, according to our own wholesome institutions, by its strict and rigid letter:---however you may eventually disapprove of any part of his conduct, or viewing it thro' a false medium, may think it even wicked, I claim for him, as a subject of England, that the law shall decide upon its criminal denomination:---I protest, in his name, against all appeals to speculations concerning consequences, when the law commands us to look only to intentions.---If the State be threat-

tened with evils, let Parliament administer a prospective remedy, but let the Prisoner hold his life UNDER THE LAW.

Gentlemen, I ask this solemnly of the Court, whose justice I am persuaded will afford it to me; I ask it more emphatically of you, *the Jury*, who are called upon your oaths to make a true deliverance of your countryman, from this charge:—But lastly, and chiefly, I implore it of him in whose hands are all the issues of life, whose humane and merciful eye expands itself over all the transactions of mankind; at whose command nations rise, and fall, and are regenerated; without whom not a sparrow falleth to the ground;—I implore it of *God himself*, that He will fill your minds with the spirit of justice and of truth; that you may be able to find your way thro' the labyrinth of matter laid before you, a labyrinth in which no man's life was ever before involved, in the annals of British Trial, nor indeed in the whole history of human justice or injustice.

Gentlemen, the first thing in order, is to look at the indictment itself; of the whole of which, or of some integral part, the Prisoner must be found guilty, or be wholly discharged from guilt.

The indictment charges that, the Prisoners did maliciously and traitorously conspire, compass, and imagine, to bring and put our Lord the King to death; and that to fulfil, perfect, and bring to effect, their most evil and wicked purpose, (*that is to say, of bringing and putting the King to death*) “ They met, conspired, “ consulted, and agreed amongst themselves, and other false traitors unknown, to cause and procure a Convention to be assembled within the kingdom, WITH INTENT—” (*I am reading the very words of the indictment, which I intreat you to follow in the notes you have been taking with such honest perseverance*) “ WITH INTENT, AND IN ORDER that the “ persons so assembled at such Convention, should and might “ traitorously, and in defiance of the authority, and against the “ will of Parliament, subvert and alter, and cause to be subverted “ and altered, the Legislature, Rule, and Government of the “ country; and to depose the King from the Royal State, Title, “ Power, and Government thereof.” This is the first and great leading overt act in the indictment; and you observe that it is not charged

charged as being Treason SUBSTANTIVELY AND IN ITSELF, but only as it is committed in pursuance of the Treason against the King's person, antecedently imputed;---for the charge is NOT that the prisoners conspired to assemble a Convention to DEPOSE the King, but that they conspired and compassed his DEATH; and that in order to accomplish that wicked and detestable purpose, *that is, in order to fulfil the traitorous intention of the mind against his life*, they conspired to assemble a Convention, with a view to depose him. The same observation applies alike to all the other counts or overt-acts upon the record, which manifestly indeed, lean upon the establishment of the first for their support; because they charge the publication of different writings, and the provision of arms, not as distinct offences, but as acts done to excite to the assembling of the same Convention, and to maintain it when assembled. But above all, and which must never be forgotten, because they also uniformly charge these different acts as committed in fulfilment of the same traitorous purpose, TO BRING THE KING TO DEATH. You will therefore have three distinct matters for consideration, upon this trial. First, What share the Prisoner had, in concert with others, in assembling *any* Convention or meeting of subjects within this kingdom.—Secondly, What were the acts to be done by this Convention, when assembled.—And Thirdly, What was the view, purpose, and intention, of those who projected its existence. This third consideration indeed, comprehends, or rather precedes and swallows up the other two; because, before it could be material to decide upon the views of the Convention, as pointed to the subversion of the rule and order of the King's political authority, (even if such views could be ascribed to it, and brought home even personally to the Prisoner) we should have to examine whether that criminal conspiracy against the established order of the community, was hatched and engendered by a wicked contemplation to destroy the *natural life and person* of the King; and whether the acts charged and established by the evidence, were done in pursuance and in fulfilment of the same traitorous purpose.

Gentlemen, this view of the subject is not only correct, but self-evident;—the subversion of the King's Political Government,

ment, and all conspiracies to subvert it, are crimes of great magnitude and enormity, which the law is open to punish, but neither of them are the crimes before you. The Prisoner is NOT charged with a conspiracy against the King's POLITICAL GOVERNMENT, but against his NATURAL LIFE. He is not accused of having merely taken steps to depose him from his authority, but with having done so *with the intention to bring him to death*. It is the act with the specific intention, and not the act alone, which constitutes the charge. The act of conspiring to depose the King, may indeed be evidence according to circumstances, of an intention to destroy his natural existence; but never, as a proposition of law, can constitute the intention itself. Where an act is done in pursuance of an intention, surely the intention must first exist;---a man cannot do a thing in fulfilment of an intention, unless his mind first conceives that intention.—The doing an act, or the pursuit of a system of conduct which leads in probable consequences to the death of the King, may legally, if any such be before you, affect the consideration of the traitorous purpose charged by the record; and I am not afraid of trusting you with the evidence. How far any given act, or course of acting, independantly of intention, may lead probably or inevitably to any Natural or Political consequence, is what we have no concern with; these may be curious questions of casuistry or Politics, but it is wickedness and folly to declare that consequences unconnected even with intention or consciousness, shall be synonymous in law with the traitorous mind; even where the traitorous mind alone is arraigned, as constituting the crime.

Gentlemen, the first question therefore for consideration, and to which I must therefore earnestly implore the attention of the Court, is this:—WHAT IS THE LAW UPON THIS MOMENTOUS SUBJECT? And recollecting that I am invested with no authority, I shall not presume to offer you any thing of my own; nothing shall proceed from me upon this part of the enquiry, but that which is merely introductory, and necessary to the understanding of the authorities on which I mean to rely, for the establishment of doctrines, not less essential indeed to the general liberties

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erties of England, than to the particular consideration which constitutes our present duty.

First then, I maintain that the branch of the statute 25th of Edward the Third, which declares it to be High Treason when a man doth compass or imagine the death of the King, of his Lady the Queen, or of his eldest Son and Heir, was intended by the statute, to guard by a higher sanction than felony, the natural lives of the King, Queen, and Prince; and that no act, (either inchoate or consummate) *of resistance to, or rebellion against the King's regal capacity*, amounts to *High Treason of compassing his death*, unless where they can be charged upon the indictment, and proved to the satisfaction of the Jury at the trial, as overt acts, committed by the Prisoner, *in fulfilment of a traitorous intention to destroy the King's natural life*.

Secondly, that the compassing the King's death, or in other words, the traitorous intention to destroy his natural existence, is the Treason, and not the overt acts, which are only laid as manifestations of the traitorous intention, or in other words, as evidence competent to be left to a Jury to prove it; and that no conspiracy to levy war against the King, nor any conspiracy against his regal character or capacity, is a good overt act of compassing, unless some force be exerted, or in contemplation against **THE KING'S PERSON**; and that such force so exerted or in contemplation, is not substantively the treason of compassing, but competent in point of law to establish it, if the Jury by the verdict of guilty draw that conclusion of fact from the evidence of the overt act,

Thirdly, that the charge in the indictment, of compassing the King's death, is not therefore laid as legal inducement or introduction, to follow as a legal inference from the establishment of the overt act, but is laid as an averment of **A FACT**; and as such, the very gist of the indictment; to be affirmed or negatived by the verdict of guilty or not guilty. It will not (I am persuaded) be suspected by the Attorney General, or by the Court, that I am about to support these doctrines by opposing my own judgment to the authoritative writings of the venerable and excellent Lord Hale, whose memory will live in this country, and
throughout

throughout the enlightened world, as long as the administration of pure justice shall exist; neither do I wish to oppose any thing which is to be found in the other learned authorities, principally relied upon by the Crown, because all my positions are perfectly consistent with a right interpretation of them; and because even were it otherwise, I could not expect successfully to oppose them by any reasonings of my own which can have no weight, but as they shall be found at once consistent with acknowledged authorities, and with the established principles of the English law. I can do this with the greater security, because my respectable and learned friend, the Attorney General, has not cited cases which have been the disgrace of this country in former times, nor asked you to sanction, by your judgment, those bloody murders which are recorded by them as acts of English justice, but like an honourable man, his expositions of the law (though I think them frequently erroneous) are drawn from the same sources which I look up to for doctrines so very different. I find, indeed, throughout the whole range of authorities (*I mean those which the Attorney General has properly considered as deserving that name and character*) very little contradiction; for as far as I can discover, much more entanglement has arisen from now and then a tripping in the expression, than from any difference of sentiment amongst eminent and virtuous judges, who have either examined, or sat in judgment upon this momentous subject.

Gentlemen, before I pursue the course I have prescribed to myself, I desire most distinctly to be understood, that in my own judgment the most successful argument, that a conspiracy to depose the King does not necessarily establish the treason charged upon this record, IS TOTALLY BESIDE ANY POSSIBLE JUDGMENT THAT YOU CAN HAVE TO FORM UPON THE EVIDENCE BEFORE YOU; since throughout the whole volumes that have been read, I can trace nothing that even points to the imagination of such a conspiracy; and consequently the doctrines of Coke, Hale, and Forster, on the subject of High Treason, might equally be detailed in any other trial that has ever been proceeded upon in this place: But, Gentlemen, I stand in a fearful and delicate

delicate situation.—As a supposed attack upon the King's civil authority has been transmuted, by construction, into a murderous conspiracy against his natural person, in the same manner, and by the same arguments, a conspiracy to overturn that civil authority, by direct force, has again been assimilated, *by further construction*, to a design to undermine Monarchy by changes wrought through public opinion, enlarging gradually into universal will; so that I can admit no false proposition, however wide I may think it of rational application.—For as there is a CONSTRUCTIVE COMPASSING, so also there is a CONSTRUCTIVE DEPOSING; and I cannot, therefore, possibly know what either of them are separately, nor how the one may be argued to involve the other. There are, besides, many prisoners, whose causes are behind, and whose lives may be involved in your present deliberation; their names have been already stigmatized, and their conduct arraigned in the evidence you have heard, *as a part of the conspiracy*. It is these considerations which drive me into so large a field of argument, that by sufficiently ascertaining the law in the outset, they who are yet looking up to it for protection, may not be brought into peril.

Gentlemen, I now proceed to establish, that a compassing of the death of the King, within the twenty-fifth of Edward the Third, which is the charge against the prisoner, consists in a traitorous intention against his NATURAL LIFE; and that nothing short of your firm belief of that detestable intention, from overt acts which you find him to have committed, can justify his conviction. And that I may keep my word with you in building my argument upon nothing of my own, I hope my friend, Mr. Gibbs, will have the goodness to call me back, if he finds me wandering from my engagement; that I may proceed step by step upon the most venerable and acknowledged authorities of the law. In this process I shall begin with Lord Hale, who opens this important subject by stating the reason of passing the statute of the twenty-fifth of Edward the Third, on which the indictment is founded.—Lord Hale says, in his Pleas of the Crown, vol. 1st. page 82. that “ *at common law there was a great latitude used in raising offences to the crime and punish-*
“ *ment*

"ment of Treason, by way of interpretation and arbitrary CON-
 "STRUCTION, which brought in great uncertainty and con-
 "fusion. Thus accroaching, i. e. ENCROACHING ON ROYAL
 "POWER was an usual charge of Treason anciently, though a
 "very uncertain charge; so that no man could tell what it was,
 "or what defence to make to it." Lord Hale then goes on
 to state various instances of vexation and cruelty, and con-
 cludes with this striking observation, "*By these and the like*
 "*instances that might be given, it appears how arbitrary and*
 "*uncertain the law of Treason was before the statute of 25th*
 "*of Edward the III^d. whereby it came to pass that almost every*
 "*offence that was, or seemed to be, a breach of the faith and*
 "*allegiance due to the King, was by CONSTRUCTION, CONSE-*
 "*QUENCE, and INTERPRETATION, raised into the offence of*
 "*High Treason.*" This is the lamentation of the great Hale
 upon the state of this country previous to the passing of the sta-
 tute, which, he says, was passed as a remedial law, to put an
 end to them; and Lord Coke, considering it in the same light,
 says, in his third Institute, page 2d. "*The Parliament which*
 "*passed this statute was called (as it well deserved) Parliamen-*
 "*tum Benedictum.* And the like honour was given to it by the
 "different statutes which from time to time brought back Treas-
 "ons to its standard, *all agreeing in magnifying and extolling*
 "*this Blessed Act.*" Now this statute, which has obtained the
 panegyric of these great men, whom the Chief Justice in his
 Charge looked up to for light and for example, and whom the
 Attorney General takes also for his guide, would very little have
 deserved the high eulogium bestowed upon it, if though avowed-
 edly passed to destroy uncertainty in Criminal Justice, and to
 beat down the arbitrary constructions of Judges, lamented by
 Hale, as disfiguring and dishonouring the law; it had, never-
 theless, been so worded as to give birth to new constructions
 and uncertainties, instead of destroying the old ones. It would
 but ill have intitled itself to the denomination of a blessed statute,
 if it had not in its enacting letter, which professed to remove
 doubts, and to ascertain the law, made use of expressions the best
 known and understood; and it will be found accordingly, that it

cautiously did so. It will be found that in selecting the expression of COMPASSING THE DEATH, it employed a term of the most fixed and appropriate signification in the language of English Law, which not only no Judge or Counsel, but which no Attorney or Attorney's Clerk could misunderstand; because in former ages, before the statute, compassing the death of ANY MAN, had been a felony, and what had amounted to such compassing, had been settled in a thousand instances. To establish this, and to shew also, by no reasoning of mine, that the term compassing the death was intended by the statute, when applied to the King, as High Treason, to have the same signification as it had obtained in the law when applied to the subject as a felony, I shall refer to Mr. Justice Forster, and even to a passage cited by the Attorney General himself, which speaks so unequivocally and unanswerably for itself, as to mock all commentary.—“ The ancient writers,” says Forster, “ *in treating of felonious homicide, considered the felonious INTENTION manifested by plain facts, in the same light, in point of guilt, as homicide itself. The rule was voluntas reputatur pro facto, and while this rule prevailed, the nature of the offence was expressed by the term COMPASSING THE DEATH. This rule has been long laid aside as too rigorous in the case of common persons; but in the case of the KING, QUEEN, and PRINCE, the statute of Treasons has, with great propriety, RETAINED it in its full extent and vigour; and in describing the offence, has likewise RETAINED the ancient mode of expression, When a man doth compass or imagine the Death of our Lord the King, &c. and thereof be upon sufficient proof provablement attained of open deed, by people of his condition, the words of the statute descriptive of the offence, must, THEREFORE, be strictly pursued in every indictment for this species of Treason. IT MUST charge that the defendant did traitorously compass and imagine the King's death; and then go on and charge the several acts made use of by the Prisoner to effectuate his traitorous purpose; FOR THE COMPASSING THE KING'S DEATH IS THE TREASON, and the overt acts are charged as the means made use of to effectuate the intentions and imaginations of the heart; and, therefore,*

* therefore, in the case of the Regicides, the indictment charged
 " that they did traitorously compass and imagine the death of the
 " King, and the cutting off the head was laid as the overt act,
 " and the person who was supposed to have given the mortal
 " stroke was convicted on the same indictment." This concluding instance, though at first view it may appear ridiculous, is well selected as an illustration; because, though in that case there could be no possible doubt of the intention, since the act of a deliberate execution involves, in common sense, the intention to destroy life, yet still the anomaly of the offence, which exists wholly in the INTENTION, and not in the overt act, required the preservation of the form of the indictment.—It is surely impossible to read this commentary of Forster, without seeing the true purpose of the statute: The common law had anciently considered, even in the case of a fellow-subject, the malignant intention to destroy, as equivalent to the act itself; but that noble spirit of humanity which pervades the whole system of our jurisprudence, had before the time of King Edward the Third, eat out and destroyed this rule, too rigorous in its general application; but as Forster truly observes in the passage I have read—" This rule, too rigorous in the case of the subject, the statute of Treasons **RETAINED** in the case of the King, and **RETAINED ALSO THE VERY EXPRESSION** used by the law when compassing the death of a subject was felony."

The statute, therefore, being expressly made to ascertain doubts, and accurately to define Treason, adopted the ancient expression of the common law, as applicable to felonious homicide, meaning that the life of the Sovereign should remain an exception, and that **VOLUNTAS PRO FACTO**, the wicked intention for the deed itself, (as it regarded his sacred life) should continue for the rule: and, therefore, says Forster, the statute meaning to **RETAIN** the law which was before general, **RETAINED** also the expression. It appears to me, therefore, incontrovertible, not only by the words of the statute itself, but upon the authority of Forster, which I shall follow up by that of Lord Coke and Hale, contradicted by no syllable in their works, as I shall demonstrate, that the statute as it regarded the

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security of the King's LIFE, did not mean to enact a new security never known to the common law in other cases, but meant to suffer a common law rule which formerly existed universally, which was precisely known, but which was too severe in common cases, to remain as an exception in favour of the King's security. I do therefore positively maintain, not as an advocate merely, but IN MY OWN PERSON, that within the letter and meaning of the statute, nothing can be a compassing the death of the King that would not, in ancient times, have been felony in the case of a subject; for otherwise Forster and Coke, as will be seen, are very incorrect when they say the statute RETAINED the old law, and the appropriate word to express it; for if it went BEYOND it, it would, on the contrary, be a NEW rule unknown to the common law, enacted, for the first time, for the preservation of the King's life. Unquestionably the Legislature might have made such a rule; but we are not enquiring what it *might* have enacted, but what it *has* enacted. But I ought to ask pardon for having relapsed into any argument of my own upon this subject, when the authorities are more express to the purpose than any language I can use. For Mr. Justice Forster himself expressly says, Discourse 1st. of High Treason, p. 207, "*All the words descriptive of the offence, viz. "If a man doth compass or imagine, and thereof be attainted of open deed," are plainly borrowed from the common law, and therefore must bear the SAME construction they did at common law.*" Is this distinct?—I will read it to you again, "*All the words descriptive of the offence, viz. "If a man doth compass or imagine, and thereof be attainted of open deed," are plainly borrowed from the common law, and, therefore, must bear the SAME construction they did at common law.*"

Gentlemen, Mr. Justice Forster is by no means singular in this doctrine.—Lord Coke, the oracle of the law, and the best oracle that one can consult, when standing for a prisoner charged with Treason, as he was the highest prerogative lawyer that ever existed, maintains the same doctrine;—Even he, even Coke, this infamous prosecutor of Raleigh, whose character with posterity,

rity, as an Attorney General, my worthy, honourable friend would disdain to hold to be author of all his valuable works, yet even this very Lord Coke himself, holds precisely the same language with Forster. For, in his commentary on this statute, in his third Institute, p. 5, when he comes to the word, "DOTH COMPASS," he says, "Let us see first what the compassing the death of A SUBJECT was before the making of this statute, when voluntas reputabatur pro facto."—Now what is the plain English of this—the commentator says, I am going to instruct you, the student, who are to learn from me the law of England, what is a compassing of the death of the KING; but that I cannot do, but by first carrying you to look into what was the compassing of the death of A SUBJECT at the ancient common law; because the statute having made that compassing as applied to the KING, the crime of High Treason, which, at common law, was felony in the case of a SUBJECT, it is impossible to define the ONE, without looking back to the records which illustrate the OTHER. This is so directly the train of Lord Coke's reasoning, that in his own singularly precise stile of commentating, he immediately lays before his reader a variety of instances from the ancient records and year books of compassing the SUBJECTS DEATH; and what are they? Not acts wholly collateral to attacks upon life, but dogmatically laid down by the law from speculations upon probable or possible consequences; but assaults with intent to murder.—Conspiracies to way-lay the person with the same intention, and other MURDEROUS machinations. These were the only compassings before the statute against the subjects life; and the extension of the expression was never heard of in the law till introduced by the craft of political Judges, when it became applicable to crimes against THE STATE. Here again I desire to appeal to the highest authorities for this source of constructive Treasons; for although the statute of Edward the Third had expressly directed that nothing should be declared to be Treason but cases within its enacting letter, yet Lord Hale says, Pleas of the Crown, page 83, That "*things were so carried by PARTIES and FACTIONS, in the succeeding reign of Richard the Second, that*
" this

" this statute was but little observed, but as this or that party
 " got the better. So the crime of High Treason was in a manner
 " arbitrarily imposed and adjudged, to the disadvantage of the
 " party that was to be judged; which, by various vicissitudes
 " and revolutions, mischieved all parties, first and last, and left
 " a great unsettledness and unquietness in the minds of the peo-
 " ple, and was one of the occasions of the unhappiness of that
 " King.

" All this mischief was produced by the statute of the 21st of
 " Richard the Second, which enacted, That every man that com-
 " passeth or pursueth the death of the King, OR TO DEPOSE
 " HIM, OR TO RENDER UP HIS HOMAGE LIEGE, or he that
 " raiseth people, and rideth against the King, to make war
 " within his realm, and of that be DULY attainted and ad-
 " judged, shall be adjudged a traitor, of High Treason against
 " the Crown.

" This" says Lord Hale, " was a great snare to the subject,
 " insomuch that the statute, 1st of Henry Fourth, which repealed
 " it, recited that no man knew how he ought to behave himself,
 " to do, speak, or say, for doubt of such pains of Treason; and
 " therefore wholly to remove the prejudice, which might come to
 " the King's subjects, the statute, 1st of Henry Fourth, chap:
 " 10, was made, which brought back Treason to the standard of
 " the 25th of Edward the Third."

Now if we look to this statute of Richard the Second, which
 produced such mischiefs—what are they? As far as it re-enacted
 the Treason of compassing the King's death, and levying war,
 it only re-enacted the statute of Edward the Third, but it went
 beyond it by the loose construction of compassing to depose the
 King, and raising people, and riding to make war, or a com-
 passing to depose him, TERMS NEW TO THE COMMON LAW.
The actual levying of force, to imprison, or depose the King, was
already and properly High Treason, within the second branch of
the statute. But this statute of Richard the Second enlarged
 only the crime of compassing, making it extend to a compassing
 to imprison or depose, which are the great objects of an actual
 levying of war, and making a compassing to levy war, on a foot-

ing with actual levying it. It seems, therefore, most astonishing, that any Judge could be supposed to have decided, as an abstract rule of law, that a compassing to imprison or depose the King was High Treason, **SUBSTANTIVELY, WITHOUT PREVIOUS COMPASSING OF HIS DEATH.** Since it was made so by this statute, 21st of Richard the Second, and reprobated, stigmatized, and repealed by the statute, 1st of Henry the Fourth, chap. 10. "*And so little effect,*" says Mr. Justice Blackstone, "*have over-violent laws to prevent any crime, that within two years after this new law of Treason respecting imprisonment, and deposing, this very Prince was both deposed and murdered.*"

Gentlemen, this distinction, made by the humane statute of Edward the Third, between Treason against the King's natural life, and rebellion against his civil authority, and which the act of Richard the Second, for a season, broke down, is founded in wise and sound policy. A successful attack may be made upon the former by the malignity of an individual, without the combination of extended conspiracy, or the exertions of rebellious force; the law therefore justly stands upon the watch to crush the first overt manifestation of so evil and detestable a purpose; considering the life of the Chief Magistrate as infinitely important to the public security, it does not wait for the possible consummation of a crime, which requires neither time, combination, nor force to accomplish, but considers the traitorous purpose as a consummated Treason: But the wise and humane policy of our forefathers extended the severity of the rule, voluntas pro facto, no further than they were thus impelled and justified by the necessity; and therefore an intention to levy war and rebellion, not consummated, however manifested by the most overt acts of conspiracy, was not declared to be Treason, and upon the plainest principle in the world: The King's regal capacity, guarded by all the force and authority of the State, could not, like his natural existence, be overthrown or endangered in a moment, by the first machinations of the traitorous mind of an individual, or even by the unarmed conspiracy of numbers; and therefore this humane and exalted institution, measuring the sanctions of criminal justice by the standard of civil necessity, thought

thought it sufficient to scourge and dissipate unarmed conspirators by a less vindictive proceeding.

These new Treasons were, however, at length all happily swept away on the accession of King Henry the Fourth, which brought the law back to the standard of Edward the Third; and, indeed, in reviewing the history of this highly favoured island, it is most beautiful, and, at the same time, highly encouraging to observe, by what an extraordinary concurrence of circumstances, under the superintendence of a benevolent Providence, the liberties of our country have been established. Amidst the convulsions, arising from the maddest ambition and injustice, and whilst the State was alternately departing from its poize, on one side, and, on the other, the great rights of mankind were still insensibly taking root and flourishing.—Though sometimes Monarchy threatened to lay them prostrate, though Aristocracy occasionally undermined them, and Democracy, in her turn, rashly trampled on them, yet they have ever come safely round at last.

This awful and sublime contemplation should teach us to bear with one another when our opinions do not quite coincide; extracting final harmony from the inevitable differences which ever did, and ever must exist amongst men.

Gentlemen, the act of Henry the Fourth was scarcely made when it shared the same fate with the venerable law which it restored.—Nobody regarded it.—It was borne down by factions, and, in those days, there were no Judges, as there are now, to hold firm the balance of justice amidst the storms of State;—men could not then, as the prisoner can to day, look up for protection to magistrates independent of the Crown, and awfully accountable in character to an enlightened world. As fast as arbitrary constructions were abolished by one statute, unprincipled Judges began to build them up again, till they were beat down by another: To recount their strange Treasons would be tiresome and disgusting; but their system of construction, in the teeth of positive law, may be well illustrated by two lines from Pope:

“ Destroy his fib and sophistry in vain,

“ The creature’s at his dirty work again.”

This system, both judicial and parliamentary, became indeed so intolerable, in the interval between the reign of Henry the Fourth, and that of Philip and Mary, that it produced, in the first year of the latter reign, the most remarkable statute that ever passed in England, repealing not only all former statutes upon the subject, except that of Edward the Third, but also stigmatizing, upon the records of Parliament, the arbitrary CONSTRUCTIONS of Judges, and limiting them, in all times, to the very LETTER of the statute. I will read to you Lord Coke's commentary upon the subject. In his third Institute, page 23, he says, "*Before the act of the 25th of Edward the Third, so many Treasons had been made and declared, and in such sort penned, as not only the ignorant and unlearned people, but also learned and expert men, were trapped and ensnared, so that the mischief before Edward the Third, of the uncertainty of what was Treason and what not, became so frequent and dangerous, as that the safest and surest remedy was by this excellent act of Mary to abrogate and repeal all, but only such as are specified and expressed in this statute of Edward the Third, By which law the safety of both the King and the subject, and the preservation of the common weal, were wisely and sufficiently provided for, and in such certainty, that nihil relictum est arbitrio judicis.*"

The whole evil, indeed, to be remedied and avoided by the act of Queen Mary was, the ARBITUUM JUDICIS, or judicial construction beyond the LETTER of the statute. The statute itself was perfect, and was restored in its full vigor; and to suppose, therefore, that when an act was expressly made, because Judges had built Treasons by constructions beyond the law, they were to be left, consistently with their duty, to go on building AGAIN, is to impute a folly to the Legislature, which never yet was imputed to the framers of this admirable statute. But this absurd idea is expressly excluded, not merely by the statute, according to its plain interpretation, but according to the direct authority of Lord Coke himself, in his commentary upon it. For he goes on to say, "*Two things are to be observed, first, that the word EXPRESSED, in the statute of*"

" Mary,

Mary, excludes all implications or inferences whatsoever; secondly, that no former attainder, judgment, precedent, resolution, or opinion of Judges, or Justices, of High Treason, other than such as are specified and expressed in the statute of Edward the Third, are to be followed or drawn into example. For the words be plain and direct; that from henceforth no act, deed, or offence shall be taken, had, deemed, or adjudged to be High Treason, but only such as are declared and expressed in the said act of the 25th of Edward the Third, any Act of Parliament or Statute after 25th of Edward the Third, or any other declaration or matter to the contrary notwithstanding."

Gentlemen, if the letter of the statute of Mary, when coupled with Lord Coke's Commentary, required further illustration, it would amply receive it from the PREAMBLE, which ought to be engraved on the heart of every man who loves the King, or who is called to any share in his councils; for as Lord Coke observes, in the same commentary: It truly recites, that "*the state of a King standeth and consisteth more assured by the love and favour of the subject towards their Sovereign, than in the dread and fear of laws, made with rigorous and extreme punishment; and the other that laws, justly made so, for the preservation of the Common Weal, without extreme punishment, or penalty, are more often, and for the most part better kept, and obeyed, than laws and statutes made with extreme punishment.*"

But, Gentlemen, the most important part of Lord Coke's Commentary on this statute is yet behind; which I shall presently read to you, and to which I implore your most earnest attention; because I will shew you by it, that the unfortunate man, whose innocence I am defending, is arraigned before you of high treason, upon evidence not only wholly repugnant to this particular statute, but such as never yet was heard of in England upon any capital trial.—EVIDENCE which, even with all the attention you have given to it, I defy any one of you, at this moment, to say of what it consists; EVIDENCE (which since it must be called by that name) I tremble for my boldness in presuming to stand up for the life of a man, when I am conscious that I am incapable of understanding from it, even what acts are imputed to

him.—**EVIDENCE**, which has consumed four days in the reading; not in reading the acts of the prisoner, but the unconnected writings of men, unknown to one another, upon a hundred different subjects; **EVIDENCE**, the very listening to which has deprived me of the sleep which nature requires; which has filled my mind with unremitting distress and agitation, and which, from its discordant unconnected nature, has suffered me to reap no advantage from the indulgence, which I began with thanking you for; but which, on the contrary, has almost set my brain on fire, with the vain endeavour of collecting my thoughts upon a subject never designed for any rational course of thinking.

Let us, therefore, see how this unexampled condition falls in with Lord Coke upon this subject, whose authority is appealed to by the Crown itself; and let us go home and burn our books if they are to blazon forth the law by eulogium, and accurately to define its protector, which yet the subject is to be totally cut off from when, even under the sanction of these very authors, he stands upon his trial for his existence. Lord Coke says, in the same Commentary, page 12, that the statute had not only accurately defined the **CHARGE**, but the nature of the **PROOF** on which alone a man shall be attainted of any of the branches of High Treason.—“ It is to be observed,” says he “ that the word “ in the Act of Edward the Third is *proveablement: i. e. Upon “ direct and manifest proof: not upon conjectual presumptions, or in- “ ferences, or strains of wit, but upon good and sufficient proof. And “ herein the adverb provably hath a great force, and signifieth a “ DIRECT PLAIN proof, which word the Lords and Com- “ mons in Parliament did use for that the offence of treason “ was so heinous, and was so heavily and severely punished, as “ none other the like, and therefore the offender must be PRO- “ VABLY attainted, which words are as forcible as upon direct “ and manifest proof. Note, the word is not PROBABLY, for “ then commune argumentum might have served, but the word is “ provably be attainted.”*

Nothing can be so curiously and tautologously laboured as this Commentary, of even that great prerogative lawyer Lord Coke, upon this single word in the statute, and it manifestly
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shews that so far from its being the spirit and principle of the law of England, to loosen the construction of this statute, and to adopt rules of construction and proof, unusual in trials for other crimes; that on the contrary, the Legislature did not even leave it to the Judges to apply the ordinary rules of legal proof to trials under it, but admonished them to do justice in that respect in the very body of the statute.

Lord Hale treads in the same path with Lord Coke, and concludes this part of the subject by the following most remarkable passage:—Vol. i. chap. xi. 86.

“ Now altho’ the crime of High Treason is the greatest crime against faith, duty, and human society, and brings with it the greatest and most fatal dangers to the government, peace, and happiness of a kingdom, or state; and, therefore, is deservedly branded with the highest ignominy, and subjected to the greatest penalties that the laws can inflict. It appears first, how necessary it was that there should be some known, fixed, settled boundary for this great crime of treason, and of what great importance the statute of 25th of Edward the Third was, in order to that end. Second, How dangerous it is to depart from the LETTER of that statute, and to multiply and inbance crimes into treason by ambiguous and general words, such as accroaching royal power, subverting fundamental laws, and the like. And third, how dangerous it is by construction, and ANALOGY, to make treasons where the LETTER of the law has not done it. For such a method admits of no limits, or bounds, but runs as far and as wide as the wit and invention of accusers, and the detestation of persons accused will carry men.”

Surely the admonition of this super-eminent Judge ought to sink deep into the heart of every Judge, and of every Juryman who is called to administer justice under this statute; above all in the times and under the peculiar circumstances which assemble us in this place. Honorable men, feeling, as they ought, for the safety of Government, and the tranquillity of the country, and naturally indignant against those who are supposed to have brought them into peril, ought for that very cause to proceed with more abundant caution, lest they should be surprized by their resent-

ments or their fears ; they ought to advance, in the judgments they form, by slow and trembling steps ; they ought even to fall back and look at every thing again, lest a false light should deceive them, admitting no fact but upon the foundation of clear and precise evidence, and deciding upon no intention that does not result with equal clearness from the fact. This is the universal demand of justice in every case criminal or civil ; how much more then in this, when the judgment is every moment in danger of being swept away into the fathomless abyss of a thousand volumes ; where there is no anchorage for the understanding ; which no reach of thought can look round in order to compare their points ; nor any memory capacious enough to retain even the imperfect relation that can be collected from them.

Gentlemen, my mind is the more deeply affected with this consideration by a very recent example in that monstrous phenomenon which, under the name of a trial, has driven us out of Westminster Hall for a large portion of my professional life. No man is less disposed than I am to speak lightly of great State prosecutions, which bind to their duty those who have no other superiors, nor any other controul ; last of all am I capable of even glancing a censure against those who have led to or conducted the impeachment, because I respect and love many of them, and know them to be amongst the best and wisest men in the nation. I know them indeed so well, as to be persuaded that could they have foreseen the vast field it was to open, and the length of time it was to occupy, they never would have engaged in it ; for I defy any man, not illuminated by the Divine Spirit, to say, with the precision and certainty of an English Judge deciding upon evidence before him, that Mr. Hastings is guilty or not guilty. For who knows what is before him, or what is not. Many have carried what they knew to their graves, and the living have lived long enough to forget it. Indeed I pray God that such another proceeding may never exist in England ; because I consider it as a dishonour to the Constitution, and that it brings, by its example, insecurity into the administration of justice. Every man in civilized society has a right to hold his life, liberty, property, and reputation, under plain laws that can be well understood, and is subject to have
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some limited, specific part of his conduct, compared and examined by their standard; but he is not for seven years, no, nor for seven days, to stand as a criminal until judgment is bewildered and confounded, to come at least, perhaps, to defend himself, broken down with fatigue, and dispirited with anxiety, which, indeed, is my own condition at this moment, who am only stating the case of another—What then must be the condition of the unfortunate person whom you are trying?

The next great question is, how the admonitions of these great writers are to be reconciled with what is undoubtedly to be found in other parts of their works; and I think I do not go too far, when I say, that it ought to be the inclination of every person's mind who is considering the meaning of any writer, particularly if he be a person of superior learning and intelligence, to reconcile as much as possible all he says upon any subject, and not to adopt such a construction as necessarily raises up one part in direct opposition to another.

The law itself, indeed, adopts this sound rule of judgment in the examination of every matter which is laid before it, for a sound construction, and the Judges, therefore, are bound by duty as well as reason to adopt it.

It appears to me then, that the only ambiguity which arises, or can possibly arise, in the examination of the great authorities, and in the comparison of them with themselves, or with one another, is, from not rightly understanding the meaning of the term OVERT-ACT as applied to this species of Treason. The moment you get right upon the true meaning and signification of this expression, the curtain is drawn up, and all is light and certainty.

Gentlemen, an overt-act of the High-Treason charged upon this record, I take, with great submission to the Court, to be plainly and simply this:—The High-Treason charged, is the compassing or imagining (in other words, the intending or designing) the death of the King, I mean his NATURAL DEATH; which being a hidden operation of the mind, an overt-act, is any thing which legally proves the existence of such traitorous design and intention—I say, that the design against the King's natural
life,

life, is, the High-Treason under the first branch of the statute, and whatever is evidence, which may be legally laid before a Jury to judge of the traitorous intention, is a legal overt-act; because an overt-act is nothing but legal evidence embodied upon the record.

The charge of compassing being a charge of *intention*, which, without a manifestation by *conduct*, no human tribunal could try; the statute requires by its very letter (but without which letter reason must have presumed) that the intention to cut off the Sovereign should be manifested by open act; and as a prisoner charged with an intention, could have no notice how to defend himself without the charge of actions from whence the intention was to be imputed to him, it was always the practice, according to the sound principles of English law, to state upon the face of the indictment the overt-act, which the Crown charges as the means made use of by the prisoner to effect his traitorous purpose; and as this rule was too frequently departed from, the statute of the seventh of King William, enacted, for the benefit of the Prisoner, that no evidence should even be given of any overt act not charged in the indictment. The charge, therefore, of the overt acts in the indictment is the notice, enacted by statute to be given to the Prisoner for his protection, of the means by which the Crown is to submit to the Jury the existence of the traitorous purpose, which is the crime alledged against him, and in pursuance of which traitorous purpose the overt acts must also be charged to have been committed. Whatever, therefore, is relevant or competent evidence to be received in support of the traitorous intention, is a legal overt act, and what acts are competent to that purpose, is (as in all other cases) matter of law for the Judges; but whether, after the overt acts are received upon the record as competent, and are established by proof upon the trial, they be sufficient or insufficient in the particular instance, to convince the Jury of the traitorous compassing or intention, is a mere matter of fact, which, from its very nature, can be reduced to no other standard than that which each man's own conscience and understanding erects in his mind, as the arbiter of his judgment. This doctrine is by no means new nor peculiar to

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High Treason, but pervades the whole law, and may be well illustrated in a memorable case lately decided upon writ of error in the house of Lords, and which must be in the memory of all the Judges now present, who took a part in its decision: there the question was, whether upon the establishment of a number of facts established by legal evidence, the Defendant had knowledge of a fact, which if he had he was defenceless. To draw that question from the Jury to the Judges, I demurred to the evidence, saying, that tho' each part of it was legally admitted, it was for the law, by the mouth of the Judges, to pronounce whether this fact of knowledge could legally be inferred from it; but the Lords, with the assent of all the Judges, decided, to my perfect satisfaction, that such a demurrer to the evidence was irregular and invalid; that the province of the Jury over the effect of evidence, ought not to be so transferred to the Judges, and converted into matter of law; that what was relevant evidence to come before a Jury, was the province of the Court, but that the conclusion to be drawn from admissible evidence, was the unalienable province of the country.

To apply that reasoning to the case before us.—The matter to be enquired of here is, the fact of the Prisoner's intention, as in the case I have just cited it was the fact of the Defendant's knowledge. The charge of a conspiracy to depose the King, is therefore laid before you to establish that intention; its competency to be laid before you for that purpose, is not disputed; I am only contending with all reason and authority on my side, that it is to be submitted to your consciences and understandings, whether, even if you believed the overt act, you believe also that it proceeded from a traitorous machination against the life of the King. I am only contending that these two beliefs must coincide to establish a verdict of guilty. I am not contending that under circumstances, a conspiracy to depose the King, and to annihilate his regal capacity, may not be strong and satisfactory evidence of the intention to destroy his LIFE;—but only that in this as in every other instance, it is for you to collect or not to collect this Treason against the King's life, according to the result of your conscientious belief and judgment, from the acts of the prisoner laid before

fore you; and that the establishment of the overt act, even if it were established, does not establish the Treason against the King's life, BY A CONSEQUENCE OF LAW: but on the contrary, the overt act, tho' punishable in another shape as an independant crime, is a dead letter upon this record, unless you believe, exercising your exclusive jurisdiction over the facts laid before you, that it was committed in accomplishment of the Treason against THE NATURAL LIFE OF THE KING.

Gentlemen, this particular crime of compassing the King's death, is so compleat an anomoly, being wholly seated in unconsummated intention, that the law cannot depart from describing it according to its real essence, even when it is followed by his death: a man cannot be indicted for killing the King, as was settled in the case of the Regicides of Charles the First, after long consultation among all the Judges: it was held that the very words of the statute must be pursued, and that altho' the King was actually murdered, the prisoners who destroyed him could not be charged with the act itself, as High Treason, but with the compassing of his death; the very act of the executioner in beheading him, being only laid as the overt act upon the record. There, tho' the overt act was so connected with, as to be even inseparable from the traitorous intention, yet they were not confounded because of the effect of the precedent in dissimilar cases: and altho' the Regicides came to be tried immediately upon the restoration of the King, in the day-spring of his authority, and before high prerogative Judges, and under circumstances when, in any country but England, their trial would have been a mockery, or their execution have been awarded without even the forms of trial; yet in England, that sacred Liberty which has for ever adorned the Constitution, refused to sacrifice to zeal or enthusiasm, either the substance or the forms of Justice. Hear what the Chief Baron pronounced upon that occasion:—" *These persons are to be proceeded with according to the laws of the land, and I shall speak nothing to you but what are THE WORDS of the law. By the statute of Edward the Third, it is made High Treason to compass and imagine the death of the King; in no case else imagining or compassing, without an actual effect, is punishable by* " law."

"law." He then speaks of the sacred life of the King, and speaking of the Treason, says:—"The Treason consists in the wicked imagination which is not apparent: but when this poison swells out of the heart, and breaks forth into action, in that case it is High Treason. Then what is an overt act of an imagination, or compassing of the King's death? Truly, it is any thing which shews what the imagination of the heart is."

Indeed, Gentlemen, the proposition is so clear, that one gets confounded in the argument from the very simplicity of it; but still I stand in a situation which I am determined at all events to fulfil to the utmost; and I shall therefore not leave the matter upon these authorities, but will bring it down to our own times, repeating my challenge to have produced one single authority in contradiction. Lord Coke, in his third institute, page 11 and 12, says:—"The indictment must charge that the Prisoner traitorously compassed and imagined the death and destruction of the King." He says too,—"There must be a compassing or imagination; for an act without compassing, intent, or imagination, is not within the act, as appeareth by the express letter thereof. *Et actus non facit Reum Nisi Mens sit Rea.*" Nothing in language can more clearly illustrate my proposition.—The indictment, like every other indictment, must charge distinctly and specifically the crime: that charge must therefore be in the very words of the statute which creates the crime; the crime created by the statute not being the perpetration of any act, but being in the rigorous severity of the law, the very contemplation, intention, and contrivance of a purpose directed to an act: that contemplation, purpose, and contrivance, must be found to exist, without which, says Lord Coke, there can be no compassing: and as the intention of the mind cannot be investigated without the investigation of conduct, the overt act is required by the statute, and must be laid in the indictment and proved. It follows from this deduction, that upon the clear principles of the English law, every act may be laid as an overt act of compassing the King's death, which may be reasonably considered to be relevant and competent to manifest that intention; for were it otherwise, it would be shutting out from the view of the Jury, certain

conduct of the Prisoner, which might, according to circumstances, lead to manifest the criminal intention of his mind; and as more than one overt act may be laid, and even overt acts of different kinds, tho' not in themselves substantively Treason, the Judges appear to be justified in law, when they ruled them to be overt acts of compassing the death of the King; because they are such acts as before the statute of King William, which required that the indictment should charge all overt acts, would have been held to be relevant proof, of which relevancy of proof the Judges are to judge as matter of law; and therefore being relevant proof, must also be relevant matter of charge, because nothing can be relevantly charged which may not also be relevantly admitted to proof. These observations explain to the meanest capacity, in what sense Lord Coke must be understood, when he says, in the very same page, that, "*A preparation to depose the King, and to take the King by force and strong hand, until he has yielded to certain demands, is a sufficient overt act to PROVE the compassing of the King's death.*" He does not say AS A PROPOSITION OF LAW, that he who prepares to seize the King, compasseth his death, but that a preparation to seize him is a sufficient overt act TO PROVE the compassing; and he directly gives the reason, "because of the strong tendency it has to that end." This latter sentence destroys all ambiguity. I agree perfectly with Lord Coke, and I think every judge would so decide, upon the general principles of law and evidence, without any resort to his authority for it; and for this plain and obvious reason:—The Judges who are by law to decide upon the relevancy or competency of the proof, in every matter criminal and civil, have immemorially sanctioned the indispensable necessity of charging the traitorous intention as the crime, before it was required by the statute of King William.—As the crime is in its nature invisible and inscrutable, until manifested by such conduct as in the eye of reason is indicative of the intention, which constitutes the crime; no overt act is therefore held to be sufficient to give jurisdiction, even to a Jury to draw the inference in fact of the traitorous purpose, but such acts from whence it may be reasonably inferred; and therefore as the restraint and imprisonment of a Prince has a greater tendency to his de-

struction

struction than in the case of a private man, such conspiracies are admitted to be laid as overt acts, upon this principle: that if a man does an act from whence an either inevitable or mainly probable consequence may be expected to follow, much more if he persists deliberately in a course of conduct, leading certainly or probably to any given consequence, it is reasonable to believe that he foresaw such consequences, and by pursuing his purpose with that foreknowledge, the intention to produce the consequence may be fairly imputed. *But then all this is matter of fact for the Jury from the evidence, not matter of law for the Court;* further than it is the privilege and duty of the Judge to direct the attention of the Jury to the evidence; and to state the law as it may result from the different views the Jury may entertain of the facts; and if such acts could not be laid as overt acts, they could not be offered in evidence; and if they could not be offered in evidence, the mind of the Prisoner, which it was the object of the trial to lay open as a clue to his intention, would be shut up and concealed from the Jury, whenever the death of the Sovereign was sought by circuitous but obvious means, instead of by a direct and murderous machination. But when they are thus submitted, as matter of charge and evidence to prove the traitorous purpose which is the crime, the security of the King, and of the subject are equally provided for: all the matter which has a relevancy to the crime, is chargeable and proveable, not substantively to raise from their establishment a legal inference, but to raise a presumption in fact, capable of being weighed by the Jury with all the circumstances of the transaction, as offered by the Crown and the Prisoner; their province being finally to say not what was the possible or the probable consequence of the overt act laid in the indictment, but whether it has brought them to a safe and conscientious judgment of the guilt of the Prisoner; i. e. of his guilt in compassing the death of the King, which is the Treason charged in the indictment. Lord Hale is, if possible, more direct and explicit upon the subject.—He says, page 107, “ *The words compass or imagine, are of a great latitude; they refer to the purpose or design of the MIND OR WILL, tho’ the purpose or design takes not effect: but compassing or imagining singly of itself, is* ”

“ an internal act, and without something to manifest it, could not
 “ possibly fall under any judicial cognizance but of God alone;
 “ and therefore this statute requires such AN OVERT ACT as may
 “ render the compassing or imagining capable of a trial and sen-
 “ tence by human judicatures.” Now can any man possibly de-
 rive from such a writing, (proceeding too from an author of the
 character of Lord Hale) that an overt act of compassing, might
 in his judgment be an act committed inadvertently without the
 intention? Can any man gather from it, that a man by falling
 into bad company, can be drawn in to be guilty of this species of
 Treason by rash conduct, while the love of his Sovereign was
 glowing in his bosom? Can there be any particular acts which
 can entitle a Judge or Counsel to pronounce *as a matter of law*,
 what another man intends? Or that what a man intends is *not* a
 matter of fact? Is there any man that will meet the matter fairly,
 and advance and support that naked proposition? At all events, it
 is certainly not a proposition to be dealt with publicly; because
 the man whose mind is capable even of conceiving it, should be
 treasured up in a museum, and exhibited there as a curiosity, for
 money.

Gentlemen, all I am asking however, from my argument, and
 I defy any power of reason upon earth to move me from it, is this:
 That the Prisoner being charged with intending the King's death,
 you are to find whether this charge be founded, or unfounded;
 and that therefore, put upon the record what else you will, prove
 what you will, read these books over and over again, and let us
 stand here a year and a day in discoursing concerning them, still
 the question must return at last to what YOU and YOU ONLY can
 resolve—Is he guilty of that base detestable intention to destroy
 the King? NOT whether you incline to believe that he is guilty;
 NOT whether you suspect, nor whether it be probable; NOT
 whether he *may* be GUILTY; no, but that proveably he IS
 GUILTY. If you can say this upon the evidence, it is your duty
 to say so, and you may, with a tranquil conscience, return to your
 families; tho' by your judgment the unhappy object of it must re-
 turn no more to his.—Alas, Gentlemen, what do I say. HE has
 no family to return to;—the affectionate partner of his life has
 already

already fallen a victim to the surprize and horror which attended the scene now transacting. But let that melancholy reflection pass—it should not, perhaps, have been introduced—it certainly ought to have no effect upon you who are to judge upon your oaths. I do not stand here to desire you to commit perjury from compassion; but at the same time my earnestness may be forgiven, since it proceeds from a weakness common to us all. I claim no merit with the prisoner for my zeal; it proceeds from a selfish principle inherent in the human heart—I am Counsel, Gentlemen, for myself. In every word I utter, I feel that I am pleading for the safety of my own life, for the lives of my children after me, for the happiness of my country, and for the universal condition of civil society throughout the world.

But let us return to the subject, and pursue the doctrine of Lord Hale upon the true interpretation of the term overt act, as applicable to this branch of Treason. Lord Hale says, and I do beseech most earnestly the attention of the Court and Jury to this passage—"If men conspire the death of the King, and thereupon provide weapons, or send letters, this is an overt act within the statute." Take this to pieces, and what does it amount to—"If men conspire the death of the King," *that* is the first thing, viz. the intention, "and thereupon," that is, in pursuance of that wicked intention, "provide weapons, or send letters for the execution thereof," i. e. for the execution of that destruction of the King, which they have meditated, "this is an overt act within the statute." Surely the meaning of all this is self-evident—If the intention be against the King's life, though the conspiracy does not immediately and directly point to his death, yet still the overt act will be sufficient if it be something which has so direct a tendency to that end, as to be competent rational evidence of the intention to obtain it; but the instances given by Lord Hale himself furnish the best illustration—"If men conspire to imprison the King by FORCE AND A STRONG HAND until he has yielded to certain demands, and FOR THAT PURPOSE GATHER COMPANY, OR WRITE LETTERS, *that is an overt act TO PROVE the compassing the King's death, as it was held in Lord Cobham's case by all the*

P 2

"Judges."

the Judges." In this sentence Lord Hale does not depart from that precision which so eminently distinguishes all his writings; he does not say, that if men conspire to imprison the King until he yields to certain demands, and for that purpose do so and so, *This is High Treason*—no, nor even an overt act of High Treason, though he might in legal language correctly have said so; but to prevent the possibility of confounding the Treason with matter which may be legally charged as relevant to *the proof of it*, he follows Lord Coke's expression in the third Institute, and says, This is an overt act *to prove* the compassing of the King's death: and as if by this mode of expression he had not done enough to keep the ideas asunder, and from abundant regard for the rights and liberties of the subject, he immediately adds, "*But then there must be an overt act TO PROVE that a conspiracy, and then that overt act to prove such design, is an overt act TO PROVE the compassing of the death of the King.*" The language of this sentence labours in the ear from the excessive caution of the writer, afraid that his reader should jump too fast to his conclusion upon a subject of such awful moment, he pulls him back after he has read that a conspiracy to imprison the King, is an overt act to prove the compassing of his death, and says to him, but recollect that there must be an overt act to prove, in the first place, that conspiracy to imprison the King, and even then that intention to imprison him so manifested by the overt act, is but in its turn an overt act TO PROVE the compassing or intention to destroy the King. Nor does the great and benevolent Hale rest even here, but after this almost tedious perspicuity, he begins the next sentence with this fresh caution and limitation, "*But then this must be intended of a conspiracy, FORCIBLY to detain and imprison the King.*" What then is a conspiracy forcibly to imprison the King—surely it can require no explanation: it can only be a *direct* machination to seize and detain his PERSON by rebellious force. Will this expression be satisfied by a conspiracy to seize speculatively upon his authority by the publication of pamphlets, which by the inculcation of republican principles, may in the eventual circulation of a course of years, perhaps in a course of centuries, in this King's time,

or

or in the time of a remote successor, debauch mens minds from the English constitution, and by the destruction of monarchy, involve the life of the monarch. Will any man say that this is what the law means by a conspiracy against the King's government, supposing even that a conspiracy against his government were synonymous with a design upon his life? Can any case be produced where a person has been found guilty of High Treason, under this branch of the statute, where no war has been actually levied; unless where the conspiracy has been a forcible invasion of the King's personal liberty or security? I do not mean to say that a conspiracy to levy war may not, in many instances, be laid as an overt act of compassing the King's death, because the war may be mediately or immediately pointed distinctly to his destruction or captivity; and as Lord Hale truly says, "small" is the distance between the prisons and graves of Princes." But multiply the instances as you will, still the principle presents itself. The truth of this very maxim, built upon experience, renders an overt act of this description rational and competent evidence to be left to a Jury of a design against the King's life; but it does not, therefore, change the nature of the crime, nor warrant any Court to declare the overt act to be legally and conclusively indicative of the traitorous intention; because if this be once admitted to be law, and the Jury are bound to find the Treason upon their belief of the existence of the overt act, the trial by the country is at end, and the Judges are armed with an arbitrary uncontrollable dominion over the lives and liberties of the nation.

Gentlemen, I will now proceed to shew you that the doctrines which I am insisting on have been held by all the great Judges of this country, in even the worst of times, and that they are, besides, not at all peculiar to the case of High Treason, but pervade the whole system of the criminal law. Mr. Justice Forster, so justly celebrated for his writings, lays down the rule thus:—It may be laid down as a general rule, that "indictments founded UPON PENAL STATUTES, ESPECIALLY THE MOST PENAL, *must pursue the statute so as to bring the party within it.*" And this general rule is so expressly allowed to

have place in High Treason, that it is admitted on all hands, that an indictment would be radically and incurably bad, unless it charged the compassing of the King's death, as the leading and fundamental averment, and unless it formally charged the overt act to be committed in order to effectuate the traitorous purpose. Nobody ever denied this proposition; and the present indictment is framed accordingly. Now it is needless to say that if the benignity of the general law requires this precision in the indictment, the proof must be correspondingly precise, for otherwise the subject would derive no benefit from the strictness of the indictment; the strictness of which can have no other meaning in law or common sense, than the protection of the Prisoner; for if though the indictment must directly charge a breach of the very LETTER of the statute, the Prisoner could, nevertheless, be convicted by evidence not amounting to a breach of the LETTER, then the strictness of the indictment would not only be no protection to the Prisoner, but a direct violation of the first principles of Justice criminal and civil, which call universally for the proof of all material averments in every legal proceeding. But Mr. Justice Forster expressly adverts to the necessary severity of proof, as well as of charge—for, he says, that “although a case is brought within the reason of a penal statute, and within the mischief to be prevented, yet, if it does not come within the unequivocal letter, the benignity of the law interposeth.” If the law then be thus severe in the interpretation of every penal proceeding, even down to an action for the killing of a hare or a partridge, is its constructions only to be enlarged and extended as to the statute of High Treason, although the single object of passing it was to guard against constructions.

Gentlemen, the reason of the thing is so palpably and invincibly in favour of this analogy, that it never met with a direct opposition. The Attorney General himself distinctly admits it in one part of his address to you, though he seems to deny it in another. I hope that when I state one part of his speech to be in diametrical opposition to another, he will not suppose that I attribute the inconsistency to any defect, either in his under-

standing

standing or his heart; far from it—they arise, I am convinced from some of the authorities not being sufficiently understood.

In the beginning of his speech he admits that the evidence must be satisfactory and convincing as to the intention, but in the latter part he seems, as it were, to take off the effect of that admission. I wish to give you the very words. I took them down at the time; and if I do not state them correctly, I desire to be corrected. “I most distinctly disavow,” said my Honourable Friend, “every case of construction. I most distinctly disavow any like case of Treason not within the letter of the statute. I most distinctly disavow cumulative Treason. I most distinctly disavow enhancing guilt by parity of reason. The question undoubtedly is, whether the proof be full and satisfactory to your reasons and consciences that the prisoner is guilty of the Treason of compassing the King’s death.” Gentlemen, I hope that this will always with equal honour be admitted. Now let us see how the rest of the learned gentleman’s speech falls in with this. For he goes on to say, that it is by no means necessary that the distinct, specific intention should pre-exist the overt act. “If the overt act,” says he, “be deliberately committed, it is a compassing.” But how so, if the intention be admitted to be the Treason? What benefit is obtained by the rigorous demand of the statute, that the compassing of the King’s death shall be charged by the indictment as the crime, if a crime different, or short of it, can be substituted for it in the proof? And how can the statute of Richard the Second be said to be repealed, which made it High Treason to compass to depose the King, independently of intention upon his life, if the law shall declare, notwithstanding the repeal, that they are synonymous terms, and that the one CONCLUSIVELY involves the other,

Gentlemen, if we examine the most prominent cases, which have come in judgment before Judges of the most unquestionable authority, and after the Constitution had become fixed, you will find every thing that I have been saying to you justified and confirmed.

The first great State trial, after the Revolution, was the case

of Sir John Freind, a conspirator in the assassination plot. Sir John Freind was indicted for compassing and imagining the death of King William; and the overt acts charged, and principally relied on, were, first, the sending Mr. Charnock into France to King James, to desire him to persuade the French King to send forces over to Great-Britain, to levy war against, and to depose the King, and that Mr. Charnock was actually sent; and, secondly, the preparing men to be levied to form a corps to assist in the restoration of the Pretender, and the expulsion of King William, of which Sir John Freind was to be Colonel. In this case, if the proofs were not to be wholly discredited, and the overt acts were consequently established, they went rationally to convince the mind of every man of the pre-existing intention to destroy the King. The conspiracy was not to do an act which, though it might lead eventually and speculatively to the King's death, might not be foreseen or designed by those who conspired together. The conspiracy was not directed to an event, probably leading to another, and a different one, and from the happening of which second, a third still different might be engendered, which third might again lead in its consequences to a fourth state of things, which might, in the revolution of events, bring on the death of the King, though never compassed or imagined. Freind's conspiracy, on the contrary, had for its direct and immediate object, the restoration of the Pretender to the Throne, by the junction of foreign and rebellious force. In my opinion (and I am not more disposed than others to push things beyond their mark in the administration of criminal justice), Sir John Freind, if the evidence against him found credit with the Jury, could have no possible defence. For the evidence went directly to prove the dispatch of Charnock to France, under his direction, to invite the French King to bring over the Pretender into England, and to place him on the Throne. The intention, therefore of Sir John Freind to cut off King William, was a clear inference from the overt act in question; not an inference of law for the Court, but of fact for the Jury, under the guidance of plain common sense; because the consequence of the Pretender's regaining the Throne,

Throne, must have been the attainder of King William by act of Parliament—some gentlemen seem to look as if they thought not—but I should be glad to hear the position contradicted. I repeat, that if the Pretender had been restored, as King of England, the legal consequence would have been, that King William would have been a traitor and an usurper, and subject as such to be tried at the Old Bailey, or wherever else the King, who took his place, thought fit to bring him to judgment. From these premises, therefore, there could be no difficulty of inferring the intention; and, therefore, if ever a case existed where, from the clearness of the inference, the province of the Jury might have been overlooked, and the overt act confounded with the treason, it was in the instance of Friend; but so far was this from being the case, that you will find, on the contrary, every thing I have been saying to you, since I began to address you, summed up and confirmed by that most eminent magistrate Lord Chief Justice Holt, who presided upon that trial,

He begins thus: *Gentlemen of the Jury, Look ye the Treason that is mentioned in the indictment is conspiring, compassing, and imagining the death of the King. TO PROVE THE CONSPIRACY and DESIGN of the King's DEATH, two principal overt acts are insisted on.* He does not consider the overt act of conspiracy and consultation to be the Treason, but evidence (as it undoubtedly was in that case) to prove the compassing the death. The Chief Justice then states the two overt acts above mentioned, and sums up the evidence for and against the prisoner, and leaves the intention to the Jury as matter of fact. For it is not till afterwards that he comes to answer the prisoner's objection in point of law, as the Chief Justice in terms puts it—"There is another thing," said Lord Chief Justice Holt, "he did insist upon, AND THAT IS MATTER OF LAW. The statute 25th E. 3d was read, which is the great statute about Treasons, and that does contain divers species of Treason, and declares what shall be Treason; one Treason is the compassing and imagining the death of the King; another is the levying war. Now says he," (I. E. FREIND) "here is no war actually levied; and a bare conspiracy to levy war, does

" does not come within the law against Treason." To pause here a little: Freind's argument was this—whatever my intentions might be—whatever my object of levying war might have been—whatever might have been my design to levy it—however the destruction of the King might have been effected by my conspiracy if it had gone on—and however it might have been my intention that it should, it is not Treason within the 25th of E. 3d. To which Holt replied, a little incorrectly in language, but right in substance—" Now for that I must tell you, if there be
 " only a conspiracy to levy war, it is NOT Treason." i. e. It is not a substantive Treason. It is not a Treason in the abstract.
 " But if the design and conspiracy be either to kill the King, or
 " to depose him, or imprison him, or put any force or restraint upon him," i. e. personal restraint by force, " and the way of effecting these purposes is BY LEVYING A WAR. There the
 " conspiracy and consultation, to levy war for that purpose, is
 " High Treason, though no war be levied: For such consultation
 " and conspiracy is AN OVERT ACT PROVING the compassing the death of the King." But what sort of war is it, the bare conspiracy to levy which, is an overt act to prove a design against the King's life, though no war be actually levied?

Gentlemen, Lord Holt himself illustrates this matter so clearly, that if I had any thing at stake short of the honour and life of the prisoner, I might sit down as soon as I had read it. For if one did not know it to be an extract from an ancient trial, one would say it was admirably and accurately written for the present purpose. It is a sort of prophetic bird's eye view of what we are engaged in at this moment: " There may be war levied
 " (continues Lord Holt in Freind's case) without any design upon
 " the King's person, which, if ACTUALLY LEVIED, is High
 " Treason, though purposing and designing such a levying of war
 " is not so. As for example: if persons do assemble themselves,
 " and act with force, in opposition to some law, and hope thereby
 " to get it repealed; this is a levying war, and Treason, THO'
 " THE PURPOSING AND DESIGNING OF IT IS NOT SO. So
 " when they endeavour, in great numbers, WITH FORCE, to
 " make reformation of their own heads, without pursuing the

a methods of the law, that is a levying war, BUT THE PURPOSE AND DESIGNING IS NOT SO. But if there be, as I told you, a purpose and design TO DESTROY THE KING, AND" (not or to depose him, but and to depose him) "to depose him from his Throne, which is proposed and designed to be effected by war that is to be levied; such a conspiracy and consultation to levy war FOR THE BRINGING THIS TO PASS," (i. e. for bringing the King's death to pass) "is an overt act of High Treason. So that, Gentlemen, as to that objection which he makes, IN POINT OF LAW, it is of no force. If there be evidence sufficient to convince you that he did conspire to levy war FOR SUCH AN END."

And he concludes by again leaving the intention expressly to the Jury. It is THE END THEREFORE FOR WHICH the war is to be levied, and not the conspiracy to do any act which the law considers as a levying of war, that constitutes an overt act of Treason against the King's life. The most rebellious movements towards a reform in Government, not directed against the King's person, will not, according to Lord Holt, support the charge before you. I might surround the House of Commons with fifty thousand men, for the express purpose of forcing them, by duress, to repeal any law that is offensive to me, or to pass a bill for altering elections, without being a possible object of this prosecution.

Under the other branch of the statute, I might indeed be convicted of levying war, but not of compassing the King's death; and if I only conspired and meditated this rising to repeal laws by rebellion, I could be convicted of nothing but a high misdemeanor. I would give my friends the case upon a special verdict, and let them hang me if they could. How much more might I give it them if the conspiracy imputed was not to effect a reform by violence, but, as in the case before us, by pamphlets and speeches, which might produce universal suffrage, which universal suffrage might eat out and destroy Aristocracy, which destruction might lead to the fall of Monarchy, and, in the end, to the death of the King. Gentlemen, if the cause were not too serious, I should liken it to the play with which we amuse our children.

children. This is the cow with the crumpled horn, which gored the dog, that worried the cat, that eat the rat, &c. ending in the house which Jack built.

I do therefore maintain, upon the express authority of Lord Holt, that to convict a prisoner, charged with this Treason, it is absolutely necessary that you should be satisfied of his intention against the King's life, as charged in the indictment, and that no design against the King's Government will even be a legal overt act to be left to a Jury as the evidence of such an intention, (much less the substantive and consummate Treason) unless the conspiracy be directly pointed against the person of the King. The case of Lord George Gordon is opposed to this as a high and modern decision; and the Attorney General descended indeed to a very humble and lowly authority, when he sought to maintain his argument by my own speech, as Counsel for that unfortunate person. The passage of it alluded to lies at this moment before me; and I shall repeat it, and re-maintain it to-day. But let it first be recollected, that Lord George Gordon was not indicted for compassing or imagining the King's death, under the first branch of the statute, but for levying war under the second. It never indeed entered into the conception of any man living that such an indictment could have been maintained, or attempted against him: I appeal to one of your Lordships now present, for whose learning and capacity I have the greatest and highest respect, and who sat upon that trial, that it was not insinuated from the Bar, much less adjudged by the Court, that the evidence had any bearing upon the first branch of Treason. I know that I may safely appeal to Mr. Justice Buller for the truth of this assertion; and nothing surely in the passage from my address to the Jury, has the remotest allusion to assimilate a conspiracy against the King's Government, (collateral to his person) with a Treason against his life. My words were "*To compass, or imagine the death of the King*; such "*imagination, or purpose of the mind, visible only to its great* "*author, being manifested by some open act; an institution ob-* "*viously directed, not only to the security of his natural per-* "*son, but to the stability of the Government; the life of the* "*Prince*

" Prince being so interwoven with the Constitution of the State)
 " that an attempt to destroy the one, is justly held to be a re-
 " bellious conspiracy against the other."

What is this but to say that the King's sacred life is guarded by higher sanctions than the ordinary laws, because of its more inseparable connection with the public security, and that an attempt to destroy it is therefore made Treason against the State. But the Attorney General is, I am sure, too correct in his logic to say, that the converse of the proposition is therefore maintained, and that an attack upon the King's authority, without design upon his person, is affirmed by the same expression to be Treason against his life. His correct and enlarged mind is incapable of such confusion of ideas.

But it is time to quit what fell from me upon this occasion, in order to examine the judgment of the Court, and to cloath myself with the authority of that great and venerable magistrate, whose memory will always be dear to me, not only from the great services he rendered to his country in the administration of her justice, but on account of the personal regard and reverence I had for him when living.

Lord Mansfield, in delivering the law to the Jury upon Lord George Gordon's trial, (I appeal to the trial itself, and to Mr. Justice Buller, now present, who agreed in the judgment) expressly distinguished between the safety provided for the King's *natural person*, by the first branch of the statute, and the security of his executive power under the second. That great Judge never had an idea that the *natural* person of the King, and the *Majesty* of the King were the same thing, nor that the Treasons against them were synonymous: he knew, on the contrary, for he knew all that was to be known, that as *substantive* crimes they never had been blended. I will read his own words:—" There
 " are two kinds of levying war:—one against the person of the
 " King; to imprison, to dethrone, or to kill him; or to make
 " him change measures, or remove counsellors:—the other, which
 " is said to be levied against the Majesty of the King, or, in
 " other words, against him in his regal capacity; as when a
 " multitude rise and assemble to attain by force and violence any
 " object

" object of a general public nature; that is levying war against
 " the Majesty of the King; and most reasonably so held, because
 " it tends to dissolve all the bonds of society, to destroy property,
 " and to overturn government; and, by force of arms, to re-
 " strain the King from reigning according to law." But then
 observe, Gentlemen, *the war must be actually levied*; and here
 again I appeal to Mr. Justice Buller, for the words of Lord
 Mansfield, expressly referring for what he said to the authority of
 Lord Holt, in Sir John Freind's case, already cited. " Lord Chief
 " Justice Holt, in Sir John Freind's case, says:—If persons do
 " assemble themselves and act with force, in opposition to some
 " law which they think inconvenient, and hope thereby to get it
 " repealed, this is a levying war and treason. In the present case
 " it don't rest upon an implication that they hoped by opposition
 " to a law to get it repealed, but the prosecution proceeds upon
 " the direct ground, that the object was, by *force and violence*,
 " to compel the Legislature to repeal a law; and therefore, with-
 " out any doubt, I tell you the joint opinion of us all, that,
 " if this multitude assembled *with intent, by acts of force and*
 " *violence*, to compel the Legislature to repeal a law, it is High
 " Treason." Let these words of Lord Mansfield be taken
 down, and then shew me the man, let his rank and capacity be
 what they may, who can remove me from the foundation on which
 I stand, when I maintain that a conspiracy to levy war for the ob-
 jects of reformation, is not only not the High Treason charged
 by this indictment, when not directly pointed against the King's
 person, but that even the actual levying it would not amount to
 the constitution of the crime. But this is the least material part
 of Lord Mansfield's judgment, as applicable to the present ques-
 tion; for he expressly considers THE INTENTION of the Prisoner,
 whatever be the act of Treason alledged against him, to be all in
 all. So far from holding the probable or even inevitable conse-
 quence of the thing done as constituting the quality of the act, he
 pronounces them to be nothing as separated from the criminal de-
 sign to produce them. Lord George Gordon assembled an im-
 mense multitude around the House of Commons, a system so op-
 posite to that of the persons accused before this commission, that

it

It appears from the evidence they would not even allow a man to come amongst them, because he had been Lord George's Attorney. The Lords and Commons were absolutely blockaded in the chambers of Parliament; and if controul was the intention of the Prisoner, it must be wholly immaterial what were the deliberations that were to be controuled; whether it was the continuance of Roman Catholics under penal laws, the repeal of the septennial act, or a total change of the structure of the House of Commons, that was the object of violence;---the attack upon the legislature of the country would have been the same. That the multitude were actually assembled round the Houses, and brought there by the Prisoner, it was impossible for me as his counsel even to think of denying, nor that their tumultuous proceedings were not in effect productive of great intimidation, and even danger to the Lords and Commons, in the exercise of their authority: neither did I venture to question the law that the assembling the multitude *for that purpose, was* levying war within the statute. Upon these facts therefore, applied to the doctrines we have heard upon this trial, there would have been nothing in Lord George Gordon's case to try; he must have been instantly, without controversy convicted. But Lord Mansfield did not say to the Jury, (according to the doctrines that have been broached here) that if they found the multitude assembled by the Prisoner, were in fact palpably intimidating and controuling the Parliament in the exercise of their functions, he was guilty of High Treason, whatever his intentions might have been. He did not tell them that the inevitable consequence of assembling a hundred thousand people round the Legislature, being a controul on their proceedings, was therefore a levying war; tho' collected from folly and rashness, without the intention of violence or controul. If this had been the doctrine of Lord Mansfield, there would (as I said before) have been nothing to try; for I admitted in terms, that his conduct was the extremity of rashness, and totally inconsistent with his rank in the country, and his station as a member of the House of Commons. But the venerable magistrate never for a moment lost sight of the grand ruling principle of criminal justice, that crimes can have no seat but in the mind; and upon the Prisoner's intention, and upon

upon his intention alone, he expressly left the whole matter to the Jury, with the following directions, which I shall read verbatim from the trial. " Having premised these several propositions and principles, the subject matter for your consideration naturally resolves itself into two points.

" First, Whether this multitude did assemble and commit acts of violence, with intent to terrify and compel the Legislature to repeal the act called Sir George Savile's—If upon this point your opinion should be in the negative, that makes an end of the whole, and the Prisoner ought to be acquitted: but if your opinion should be, that *the intent of this multitude*, and the violence they committed, was to force a repeal, there arises a second point—

" Whether the Prisoner at the Bar incited; encouraged, promoted, or assisted in raising this insurrection, and the terror they carried with them, WITH THE INTENT of forcing a repeal of this law.

" Upon these two points, which you will call your attention to, depends the fate of this trial; for if either the multitude had *no such intent, or supposing they had, if the Prisoner was no cause, did not excite*, and took no part in conducting, counselling, or fomenting the insurrection, the prisoner ought to be acquitted; and there is no pretence that he personally concurred in any act of violence."

I therefore consider the case of Lord George Gordon, as a direct authority in my favour.

To shew that a conspiracy to depose the King, independently of ulterior intention against his life, is High Treason within the statute, the Attorney General next supposes that Traitors had conspired to depose King William, but still to preserve him as Stadtholder in Holland, and asks whether that conspiracy would not be a compassing his death: to that question I answer that it would not have been a compassing the death of King William, provided the conspirators could have convinced the Jury that their firm and bona fide intention was to proceed no further, and that under that belief and impression, the Jury (as they lawfully might) had negatived by their finding the fact of the intention against the King's

natural existence. I have no doubt at all that upon such a finding, no judgment of Treason could be pronounced: but the difficulty would be to meet with a Jury, who upon the bare evidence of such a conspiracy, would find such a verdict. There might be possible circumstances to justify such a negative of the intention, but they must come from the Prisoner. In such a case the Crown would rest upon the conspiracy to depose, which would be *prima facie*, and cogent evidence of the compassing, and leave the hard task of rebutting it, on the Defendants:—I say the hard task, because the case put is of a direct rebellious force, acting against the King; not only abrogating his authority, but imprisoning and expelling his person from the kingdom. I am not seeking to abuse the reasons and consciences of Juries, in the examination of facts, but am only resisting the confounding them with arbitrary propositions of law.

Gentlemen, I hope I have now a right to consider that the existence of the High Treason, charged against the unfortunate man before you, is a matter of fact for your consideration upon the evidence. To establish this point, has been the scope of all that you have been listening to, with so much indulgence and patience. It was my intention to have further supported myself, by a great many authorities, which I have been laboriously extracting from the different books of the law; but I find I must pause here, lest I consume my strength in this preliminary part of the case, and leave the rest defective.

Gentlemen, the persons named in the indictment, are charged with a conspiracy to subvert the rule, order, and government of this country; and it is material that you should observe most particularly the means by which it alleges this purpose was to be accomplished. The charge is not of a conspiracy to hold the Convention in Scotland, which was actually held there; nor of the part they took in its actual proceedings; but the overt act, to which all the others are subsidiary and subordinate, is a supposed conspiracy to hold a *Convention in England*, which never in fact was held; and consequently, all the vast load of matter which it has been decided you should hear, that does not immediately connect itself with the charge in question, is only laid before you (as

the Court has repeatedly exprefs'd it) to prove that in point of fact ſuch proceedings were had, the quality of which is for your judgment; and as far, and as far only, as they can be connected with the Priſoner, and the act which he ſtands charged with, to be left to you, as evidence of the intention with which the holding of the ſecond Convention was projected.

THIS INTENTION is therefore the whole cauſe—for the charge is not the agreement to hold a Convention, which it is notorious, ſelf-evident, and even admitted that they intended to hold; but the agreement to hold it for the purpoſe alleged, of aſſuming all the authority of the ſtate, and in fulfilment of the main intention againſt the life of the King. Unleſs therefore, you can collect this double intention from the evidence before you, the indictment is not maintained.

Gentlemen, the charge being of a conſpiracy, which if made out in point of fact, involved beyond all controverſy, and within the certain knowledge of the conſpirators, the lives of every ſoul that was engaged in it; the firſt obſervation which I ſhall make to you (becauſe in reaſon it ought to precede all others) is, that every act done by the Priſoners, and every ſentence written by them, in the remoteſt degree connected with the charge, or offered in evidence to ſupport it, were done and written in the public face of the world: the tranſactions which conſtitute the whole body of the proof, were not thoſe of a day, but in regular ſeries for two years together; they were not the peculiar tranſaction of the Priſoners, but of immenſe bodies of the King's ſubjects, in various parts of the kingdom, aſſembled without the ſmalleſt reſerve; and giving to the public, thro' the channel of the daily newspapers, a minute and regular journal of their whole proceedings. Not a ſyllable have we heard read, in the week's imprisonment we have ſuffered, that we had not all of us read for months and months before the proſecution was heard of; and which, if we are not ſufficiently fatiated, we may read again upon the file of every coffee-houſe in the kingdom.

Gentlemen, my obſervation is, that it is admitted diſtinctly by the Crown, that a reform in the Houſe of Commons, is the oſtenſible purpoſe of all the proceedings laid before you; and that the
attainment

attainment of that object only, is the grammatical sense of the great body of the written evidence. It rests therefore with the Crown, to shew by **LEGAL PROOF** that this **OSTENSIBLE** purpose, and the whole mass of correspondence upon the table, was only a cloak to conceal a hidden machination, to subvert by force the entire authorities of the kingdom, and to assume them to themselves.

Whether a reform of Parliament be a wise or an unwise expedient; whether if it were accomplished, it would ultimately be attended with benefits, or dangers to the country, I will not undertake to investigate, and for this plain reason; because it is wholly foreign to the subject before us. But when we are trying the integrity of men's intentions, and are examining whether their complaints of defects in the representation of the House of Commons, be bona fide, or only a mere stalking horse for Treason and rebellion, it becomes a most essential inquiry, whether they be the first who have uttered these complaints; whether they have taken up notions for the first time, which never occurred to others; and whether in seeking to interfere practically in an alteration of the Constitution, they have manifested by the novelty of their conduct, a spirit inconsistent with affection for the Government, and subversive of its authority. Gentlemen, I confess for one (for I think the safest way of defending a person for his life before an enlightened tribunal, is to defend him ingenuously) I confess for one, that if the defects in the constitution of Parliament, which are the subject of the writings, and the foundation of all the proceedings before you, had never occurred to other persons at other times, or, if not new, they had only existed in the history of former conspiracies, I should be afraid you would suspect, at least, that the authors of them were plotters of mischief. In such a case I should naturally expect that you would ask yourselves this question. Why should it occur to the prisoner at the bar, and to a few others in the year 1794, immediately after an important revolution in another country, to find fault, on a sudden, with a Constitution which had endured for ages, without the imputation of defect, and which no good subject ever thought of touching with the busy hand of reformation?

mation? I candidly admit that such a question would occur to the mind of every reasonable man, and could admit no favourable answer: But surely this admission entitles me, on the other hand, to the concession, that if—in comparing their writings, and examining their conduct with the writings and conduct of the best and most unsuspected persons in the best and most unsuspected times—we find them treading in the paths which have distinguished their highest superiors; if we find them only exposing the same defects, and pursuing the same or similar courses for their removal,—it would be the height of wickedness and injustice to torture expressions, and pervert conduct, into Treason and Rebellion, which had recently lifted up others to the love of the nation, to the confidence of the Sovereign, and to all the honours of the State. The natural justice of this reasoning is so obvious, that we have only to examine the fact; and, considering under what auspices the prisoners are brought before you, it may be fit that I should set out with reminding you that the great Earl of Chatham began and pursued the Fame and Glory of his life upon the very cause which my unfortunate clients were engaged in, and that he left it as an inheritance to the present Minister of the Crown, as the foundation of his Fame and Glory after him; and his Fame and Glory were accordingly raised upon it; and if the Crown's evidence had been carried as far back as it might have been, (for the institution of only one of the two London Societies is before us) you would have found that the Constitutional Society owed its earliest credit with the country, if not its very birth, to the labour of the present Minister, and its professed principles to his Grace the Duke of Richmond, high also in his Majesty's present Councils, whose plan of reform has been clearly established by the whole body of the written evidence, and by every witness examined for the Crown, to have been the type and model of all the Societies in the supposed conspiracy, and uniformly acted upon in form and in substance by the prisoner before you, up to the very period of his confinement.

Gentlemen, the Duke of Richmond's plan was universal suffrage and annual Parliaments; and urged too with a boldness which,

which, when the comparison comes to be made, will leave in the back ground the strongest figures in the writings on the table. I do not say this sarcastically; I mean to speak with the greatest respect of his Grace, both with regard to the wisdom and integrity of his conduct; for although I have always thought in politics with the illustrious person whose letter was read to you; although I think with Mr. Fox that annual Parliaments and universal suffrage would be nothing like an improvement in the Constitution; yet, I confess, that I find it easier to say so than to answer the Duke of Richmond's arguments on the subject; and I must say besides, speaking of his Grace from a long personal knowledge, which begun when I was Counsel for his relation Lord Keppel, that, independently of his illustrious rank, which secures him against the imputation of trifling with its existence, he is a person of an enlarged understanding, of extensive reading, and of much reflection; and that his book cannot therefore be considered as the effusion of rashness and folly, but as the well weighed, though perhaps erroneous, conclusions drawn from the actual condition of our affairs, viz. that without a speedy and essential reform in Parliament, (and there my opinion goes along with him) the very being of the country, as a great nation, would be lost. This plan of the Duke of Richmond was the grand main spring of every proceeding we have to deal with; you have had a great number of loose conversations reported from Societies, on which no reliance can be had; sometimes they have been garbled by spies, and sometimes misrepresented by ignorance; and even, if correct, have frequently been the extravagances of unknown individuals, not even uttered in the presence of the prisoner, and totally unconnected with any design: for whenever their proceedings are appealed to, and their real object examined, by living members of them, brought before you by the Crown, to testify them under the most solemn obligations of truth, they appear to have been following, *in form and in substance*, the plans adopted within our memories, not only by the Duke of Richmond, but by hundreds of the most eminent men in the kingdom. The Duke of Richmond formerly published his plan of reform in the

year 1780, in a letter to Lieutenant Colonel Sharman, who was at that time practically employed upon the same object in Ireland; and this is a most material part of the case; because you are desired to believe that the terms CONVENTION, AND DELEGATES, and the holding the one, and sending the other, were all collected from what had recently happened in France, and were meant as the formal introduction of her republican Constitution: but they who desire you to believe all this, do not believe it themselves; because they know certainly, and it has indeed already been proved by their own witnesses, that Conventions of Reformers were held in Ireland, and Delegates regularly sent to them, whilst France was under the dominion of her ancient Government. They knew full well that Colonel Sharman, to whom the Duke's letter was addressed, was at that very moment supporting a Convention in Ireland, at the head of ten thousand men in arms, for the defence of their country, without any commission from the King, any more than poor Franklow had, who is now in Newgate, for regimenting sixty.

These volunteers asserted and saved the liberties of Ireland; and the King would, at this day, have had no more subjects in Ireland than he now has in America, if they had been treated as traitors to the Government. It was never imputed to Colonel Sharman and the volunteers that they were in rebellion; yet they had arms in their hands, which the prisoners never dreamed of having; whilst a grand general Convention was actually sitting under their auspices at the Royal Exchange of Dublin, attended by regular Delegates from all the counties in Ireland; and who were these Delegates? I will presently tear off their names from this paper, and hand it to you. They were the greatest, the best, and proudest names in Ireland; men who had the wisdom to reflect before it was too late for reflection; that greatness is not to be supported by tilting it at inferiors, till by the separation of the higher from the lower orders of mankind, every distinction is swept away in the tempest of revolution; but in the happy harmonization of the whole community; by conferring upon the people their rights; sure of receiving the auspicious return of affection, and of insuring the stability of the

Government, which is erected upon that just and natural basis.

Gentlemen, they who put this tortured construction on Conventions and Delegates, know also that repeated meetings of reforming Societies, both in England and Scotland, had assumed about the same time the stile of Conventions, and had been attended by regular Delegates long before the phrase had, or could have, any existence in France; and that upon the very model of these former associations, a formal Convention was actually sitting at Edinburgh, with the Lord Chief Baron of Scotland in the chair, for promoting a reform in Parliament, at the very moment the Scotch Convention, following its example, assumed that title.

To return to this letter of the Duke of Richmond. It was written to Colonel Sharman, in answer to a letter to his Grace, desiring to know his plan of reform, which he accordingly communicated by the letter which is in evidence; and which plan was, neither more nor less, than that adopted by the prisoners, of surrounding Parliament, (unwilling to reform its own corruptions) NOT by armed men, or by importunate multitudes, but by the still and universal voice of a whole people claiming their known and unalienable rights. This is so precisely the plan of the Duke of Richmond, that I have almost borrowed his expressions. His Grace says, "The lesser reform has been attempted with every possible advantage in its favour; not only from the zealous support of the advocates for a more effectual one, but from the assistance of men of great weight, both in and out of power. But with all these temperaments and helps it has failed. Not one proselyte has been gained from corruption, nor has the least ray of hope been held out from any quarter, that the House of Commons was inclined to adopt any other mode of reform. The weight of corruption has crushed this more gentle, as it would have defeated any more efficacious plan in the same circumstances. From that quarter, therefore, I have nothing to hope. IT IS FROM THE PEOPLE AT LARGE THAT I EXPECT ANY GOOD. And I am convinced, that the only way to make them feel that they

"are really concerned in the business, is to contend for their full, clear, and indisputable rights of universal representation."

Now how does this doctrine apply to the defence of the prisoner? I maintain that it has the most decisive application; because this book has been put into the hands of the Crown witnesses, who have one and all of them recognized it, and declared it to have been, bona fide, the plan which they pursued.

But are the Crown's witnesses worthy of credit? If they are not, let us return home since there is no evidence at all, and the cause is over.

All the guilt, if any there be, proceeds from their testimony; if they are not to be believed, they have proved nothing; since the Crown cannot force upon you that part of the evidence which suits its purpose, and ask you to reject the other which does not. The witnesses are either entirely credible, or undeserving of all credit, and I have no interest in the alternative. This is precisely the state of the cause. For, with regard to all the evidence that is written, let it never be forgotten, that it is not upon me to defend my clients against it, but for the Crown to extract from it the materials of accusation. They do not contend that the Treason is upon the surface of it, but in the latent intention; which intention must, therefore, be supported by extrinsic proof; but which is nevertheless directly negatived, and beat down by every witness they have called, leaving them nothing but commentaries and criticisms against both fact and language, to which, for the present, I shall content myself with replying in the authoritative language of the Court, in the earliest stage of their proceedings.

"If there be ground to consider the professed purpose of any of these associations, a reform in Parliament, as mere colour, and as a pretext held out in order to cover deeper designs—Designs against the whole Constitution and Government of the country; the case of those embarked in such designs is that which I have already considered. Whether this be so, or not, is mere matter of fact; as to which I shall only remind you, that an enquiry into a charge of this nature, which undertakes to make out that the ostensible purpose

"pose

pose is a mere veil, under which is concealed a traitorous conspiracy, requires cool and deliberate examination, and the most attentive consideration; and that the result should be perfectly clear and satisfactory. In the affairs of common life, no man is justified in imputing to another a meaning contrary to what he himself expresses, but upon the fullest evidence."

To this (though it requires nothing to support it, either in reason or authority) I desire to add the direction of Lord Chief Justice Holt to the Jury, on the trial of Sir John Perkyns.

"Gentlemen, it is not fit that there should be any strained or forced construction put upon a man's actions when he is tried for his life. You ought to have a full and satisfactory evidence that he is guilty, before you pronounce him so."

Gentlemen, in this assimilation of the writings of the Societies to the writings of the Duke of Richmond and others, I do not forget that it has been truly said by the Lord Chief Justice, in the course of this very cause, that ten or twenty men's committing crimes, furnishes no defence for other men in committing them. Certainly it does not; and I fly to no such sanctuary; but in trying the prisoner's intentions, and the intentions of those with whom he associated and acted, if I can shew them to be only insisting upon the same principles that have distinguished the most eminent men for wisdom and virtue in the country, it will not be very easy to declaim or argue them into the pains of death, whilst our bosoms are glowing with admiration at the works of those very persons who would condemn them.

Gentlemen, it has been too much the fashion of late, to overlook the genuine source of all human authority, but more especially totally to forget the character of the British House of Commons as a representative of the people; whether this has arisen from that Assembly's having itself forgotten it, would be indecent for me to enquire into or to insinuate; but I shall preface the authorities which I mean to collect in support of the prisoner, with the opinion on that subject of a truly celebrated writer, whom I wish to speak of with great respect: I should, indeed, be ashamed, particularly at this moment, to name him invidiously;

invidiously, whilst he is bending beneath the pressure of a domestic misfortune, which no man out of his own family laments more sincerely than I do.—No difference of opinion can ever make me forget to acknowledge the sublimity of his genius, the vast reach of his understanding, and his universal acquaintance with the histories and constitutions of nations; I also disavow the introduction of the writings, with the view of involving the author in any apparent inconsistencies, which would tend, indeed, to defeat rather than to advance my purpose. I stand here to-day to claim at your hands, a fair and charitable interpretation of human conduct, and I shall not set out with giving an example of uncharitableness. A man may have reason to change his opinions, or perhaps the defect may be in myself, who collect that they are changed; I leave it to God to judge of the heart—my wish is, that Christian charity may prevail; that the public harmony, which has been lost, may be restored; that all England may re-unite in the bonds of love and affection, and that when the Court is broken up by the acquittal of the prisoners, all heart-burnings and animosities may cease; that whilst yet we work in the light, we may try how we can save our country by a common effort; and that instead of shamelessly setting one half of society against the other, by the force of armed associations, and the terrors of Courts of Justice, our spirits and our strengths may be combined in the glorious cause of our country. By this, I do not mean in the cause of the present war, which I protest against as unjust, calamitous, and destructive; but this is not the place for such a subject, which I only introduced to prevent mistake or misrepresentation.

The history and character of the English House of Commons, was formerly thus described by Mr. Burke: “The House of Commons was supposed originally to be *no part of the standing government of this country*, but was considered as a *controul* issuing immediately from the people, and speedily to be resolved into the mass from whence it arose: In this respect it was in the higher part of Government what Juries are in the lower. The capacity of a Magistrate being transitory, and that of a Citizen permanent, the latter capacity, it was hoped, would of course

" preponderate in all discussions, not only between the people
 " and the standing authority of the Crown, but between the
 " people and the fleeting authority of the House of Commons
 " itself. It was hoped; that being of a middle nature, between
 " subject and government, they would feel with a more tender
 " and a nearer interest, every thing that concerned the people,
 " than the other remoter and more permanent parts of legislature.
 " Whatever alterations time, and the necessary accommodation
 " of business may have introduced, this character can never be
 " sustained, unless the House of Commons shall be made to bear
 " some stamp of the actual disposition of the people at large: It
 " would (among public misfortunes) be an evil more natural
 " and tolerable, that the House of Commons should be infected
 " with every epidemical phrensy of the people, as this would
 " indicate some consanguinity, some sympathy of nature with
 " their constituents, than that they should, in all cases, be wholly
 " untouched by the opinions and feelings of the people out of
 " doors. By this want of sympathy, they would cease to be an
 " House of Commons.

" The virtue, spirit, and essence of a House of Commons,
 " consists in its being the express image of the feelings of the
 " nation. It was not instituted to be a controul *upon* the people,
 " as of late it has been taught, by a doctrine of the most per-
 " nicious tendency, but as a controul *for* the people."

He then goes on to say, that to give a technical shape, a colour,
 dress, and duration to popular opinion, is the true office of a
 House of Commons. Mr. Burke is unquestionably correct; the
 controul *UPON* the people is the King's Majesty, and the here-
 ditary privileges of the Peers; and the balance of the state, is the
 controul *FOR* the people upon both, in the existence of the House
 of Commons; but how can that controul exist *FOR* the people,
 unless they have the actual election of the House of Commons,
 which, it is most notorious, they have not.—I hold in my hand,
 a state of the representation, which, if the thing were not other-
 wise notorious, I would prove to have been lately offered in proof
 to the House of Commons, by an honourable friend of mine now
 present, whose motion I had the honour to second, where it
 appeared

appeared that 12,000 people return near a majority of the House of Commons, and those again, under the controul of about 200. But though these facts were admitted, all redress, and even discussion, was refused. What ought to be said of a House of Commons that so conducts itself, it is not for me to pronounce; I will appeal, therefore, to Mr. Burke, who says, "That a House of Commons, which in all disputes between the people and administration presumes against the people, which punishes their disorders, but refuses even to enquire into their provocations, is an unnatural, monstrous state of things in the Constitution."

But this is nothing; he goes on afterwards to give a more full description of Parliament, and in stronger language (let the Solicitor General take it down for his reply) than any that has been employed by those who are to be tried at present as conspirators against its existence. I read the passage to warn you against considering hard words against the House of Commons as decisive evidence of Treason against the King. The passage is in a well known work, called, *Thoughts on the Causes of the PRESENT Discontents*; and such discontents will always be PRESENT whilst their causes continue. The word PRESENT will apply just as well *now*, and much better than to the times when the Honourable Gentleman wrote his book; for we are now in the heart and bowels of another war, and groaning under its additional burthens. I shall therefore leave it to the learned Gentleman, who is to reply, to shew us what has happened since our author wrote, which renders the Parliament less liable to the same observations now.

"It must be always the wish of an unconstitutional Statesman, that an House of Commons, who are entirely dependent upon him, should have every right of the people entirely dependent upon their pleasure. For it was soon discovered that the forms of a free, and the ends of an arbitrary Government, were things not altogether incompatible.

"The power of the Crown almost dead and rotten as Prerogative, has grown up anew, with much more strength and far less odium, under the name of influence. An influence which operated without noise and violence; which converted

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“ the very antagonist into the instrument of power ; which contained in itself a perpetual principle of growth and renovation ; and which the distresses and the prosperity of the country equally tended to augment, was an admirable substitute for a Prerogative, that being only the offspring of antiquated prejudices, had moulded in its original stamina irresistible principles of decay and dissolution.”

What is this but saying that the House of Commons is a settled and scandalous abuse fastened *upon* the people, instead of being an antagonist power *for* their protection ; an odious instrument of power in the hands of the Crown, instead of a popular balance *against* it. Did Mr. Burke mean that the prerogative of the Crown, properly understood and exercised, was an antiquated prejudice ? Certainly not ; because his attachment to a properly balanced Monarchy is notorious : why then is it to be fastened upon the prisoners that they stigmatize Monarchy, when they also exclaim *only against its corruptions* ? In the same manner, when he speaks of the abuses of Parliament, would it be fair to Mr. Burke to argue, from the strict legal meaning of the expression, that he included, in the censure on Parliament, the King’s person, or Majesty, which is part of the Parliament ? In examining the work of an author you must collect the sense of his expressions from the subject he is discussing ; and if he is writing of the House of Commons as it affects the structure and efficacy of the Government, you ought to understand the word Parliament so as to meet the sense and obvious meaning of the writer. Why then is this common justice refused to others ? Why is the word Parliament to be taken in its strictest and least obvious sense against a poor shoemaker, or any plain tradesman at a Sheffield club, while it is interpreted in its popular, though less correct acceptation, in the works of the most distinguished scholar of the age ? Add to this, that the cases are not all similar : for Mr. Burke uses the word Parliament *throughout*, when he is speaking of the House of Commons ; without any concomitant words which convey an explanation, but the sense of his subject ; whereas Parliament is fastened upon the prisoner as meaning something beyond the

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House of Commons, when it can have no possible meaning beyond it; since from the beginning to the end it is joined with the words *representation of the people*: the representation of the people in Parliament! Does not this most palpably mean the House of Commons, when we know that the people have no representation in either of the other branches of the Government?

A letter has been read in evidence from Mr. Hardy to Mr. Fox, where he says their object was universal representation. Did Mr. Fox suppose, when he received this letter, that it was from a nest of republicans, clamoring publicly for an universal representative Constitution like that of France? If he had, would he have sent the answer he did, and agreed to present their petition? They wrote also to the Society of the Friends of the People, and invited them to send Delegates to the Convention:—The Attorney General, who has made honourable and candid mention of that body, will not suppose that it would have contented itself with refusing the invitation in terms of cordiality and regard, if, with all the knowledge they had of their transactions, they had conceived themselves to have been invited to the formation of a body, which was to over-rule and extinguish all the authorities of the State: yet upon the perversion of these two terms, Parliament and Convention, against their natural interpretation, against a similar use of them by others, and against the solemn explanation of them by the Crown's own witnesses, this whole fabric of terror and accusation stands for its support: letters, it seems, written to other people are to be better understood by the Gentlemen round this table, who never saw them till months after they were written, than by those to whom they were addressed and sent; and no right interpretation is to be expected from writings when pursued in their regular series, but they are to be made distinct by binding them up in a large volume, along side of others totally unconnected with them, and the very existence of whose authors were unknown to one another.

I will now, Gentlemen, resume the reading of another part of Mr. Burke, and a pretty account it is of this same Parliament.

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ment. " They who will not conform their conduct to the public good, and cannot support it by the prerogative of the Crown, have adopted a new plan. They have totally abandoned the shattered and old-fashioned fortress of prerogative, and made a lodgement in the strong-hold of Parliament itself. If they have any evil design to which there is no ordinary legal power commensurate, they bring it into Parliament. There the whole is executed from the beginning to the end. And the power of obtaining their object absolute; and the safety in the proceeding perfect; no rules to confine, nor after reckonings to terrify. For Parliament cannot, with any great propriety, punish others, for things in which they themselves have been accomplices. Thus its controul upon the executory power is lost."

This is a proposition universal. It is not that the popular controul was lost under this or that Administration, but, GENERALLY, that the people have no controul in the House of Commons. Let any man stand up and say that he disbelieves this to be the case; *I* believe he would find no body to believe him. Mr. Burke pursues the subject thus: " The distempers of Monarchy were the great subjects of apprehension and redress in the *last* century—in *this* the distempers of Parliament." Here the word Parliament, and the abuses belonging to it, are put in express opposition to the Monarchy, and cannot therefore comprehend it: the distempers of Parliament then are objects of serious apprehension and redress. What distempers? Not of this or that year, but the habitual distempers of Parliament; and then follows the nature of the remedy, which shews that the prisoners are not singular in thinking that it is by THE VOICE OF THE PEOPLE ONLY that Parliament can be corrected. " It is not in Parliament alone," says Mr. Burke, " that the remedy for Parliamentary disorders can be completed; and hardly indeed can it begin there. Until a confidence in Government is re-established, the people ought to be excited to a more strict and detailed attention to the conduct of their representatives. Standards for judging more systematically upon their conduct ought to be settled in the meetings of counties " and

“ and corporations, and frequent and correct lists of the voters
 “ in all important questions ought to be procured. By such
 “ means something may be done.”

It was the same sense of the impossibility of a Reform in Parliament, without a general expression of the wishes of the people, that dictated the Duke of Richmond's letter: All the petitions in 1780 had been rejected by Parliament; this made the Duke of Richmond exclaim, that from that quarter no redress was to be expected, and that from the people alone he expected any good; and he, therefore, expressly invited them to claim and to assert an equal representation as their indubitable and unalienable birth-right:—How to assert their rights, when Parliament had already refused them without even the hope, as the Duke expressed it, of listening to them any more? Could the people's rights, under such circumstances, be asserted without rebellion? Certainly they might: For rebellion is, when bands of men within a state oppose themselves, by violence, to the general will, as expressed or implied by the public authority; but the sense of a *whole people*, peaceably collected, and operating by its natural and certain effect upon the public councils, is not rebellion, but is paramount to, and the parent of authority itself.

Gentlemen, I am neither vindicating, nor speaking the language of inflammation or discontent; I shall speak nothing that can disturb the order of the state; I am full of devotion to its dignity and tranquillity, and would not for worlds let fall an expression in this or in any other place that could lead to disturbance or disorder: But for that very reason, I speak with firmness of **THE RIGHTS OF THE PEOPLE**, and am anxious for the redress of their complaints; because I believe a system of attention to them to be a far better security and establishment of every part of the Government, than those that are employed to preserve them. The state and government of a country rests, for its support, on the great body of the people, and I hope never to hear it repeated, in any Court of Justice, that peaceably to convene the people upon the subject of their own privileges, can lead to the destruction of the King:—They are the King's worst enemies who hold this language. It is a most dangerous

dangerous principle that the Crown is in jeopardy if the people are acquainted with their rights; and that the collecting them together to consider of them, leads inevitably to the destruction of the Sovereign:—Do these Gentlemen mean to say that the King sits upon his throne without the consent, and in defiance of the wishes of the great body of his people, and that he is kept upon it by a few individuals who call themselves his friends, in exclusion of the rest of his subjects?—Has the King's inheritance no deeper or wider roots than this? Yes, Gentlemen, it has—It stands upon the love of the people, who consider their own inheritance to be supported by the King's constitutional authority: This is the true prop of the throne; and the love of every people upon earth will for ever uphold a Government founded (as ours is) upon reason and consent, as long as Government shall be itself attentive to the general interests which are the foundations and the ends of all human Governments. Let us banish then these unworthy and impolitic fears of an unrestrained and an enlightened people;---let us not tremble at the Rights of Man, but by giving to men their rights, secure their affections, and through their affections, their obedience;---let us not broach the dangerous doctrine, that the Rights of Kings and of Men are incompatible. Our Government at the Revolution began upon their harmonious incorporation; and Mr. Locke defended King William's title upon no other principle than the Rights of Man. It is from the revered work of Mr. Locke, and not from the Revolution in France, that one of the papers in the evidence, the most stigmatised, most obviously flowed; for it is proved that Mr. Yorke held in his hand Mr. Locke upon Government, when he delivered his speech on the Castle Hill at Sheffield, and that he expatiated largely upon it;---well, indeed, might the witness say he expatiated largely, for there are many well selected passages taken verbatim from the book; and here in justice to Mr. White, let me notice the fair and honourable manner in which, in the absence of the Clerk, he read this extraordinary performance. He delivered it not merely with distinctness, but

In a manner so impressive, that, I believe, every man in Court was affected by it.

Gentlemen, I am not driven to defend every expression; some of them are improper undoubtedly, rash and inflammatory, but I see nothing in the whole taken together, even if it were connected with the Prisoner, that goes at all to an evil purpose in the writer. But Mr. Attorney General has remarked upon this proceeding at Sheffield, (and whatever falls from a person of his rank and just estimation, deserves great attention) he has remarked that it is quite apparent they had resolved not to petition:---They had certainly resolved not *at that season* to petition, and that seems the utmost which can be maintained from the evidence. But supposing they had negatived the measure altogether; is there no way by which the people may actively associate for the purposes of a Reform in Parliament, but to consider of a petition to the House of Commons? Might they not legally assemble to consider the state of their liberties, and the conduct of their Representatives? Might they not legally form Conventions or Meetings (for the name is just nothing) to adjust a plan of rational union for a wise choice of Representatives when Parliament should be dissolved?---May not the people meet to consider their interests preparatory to, and independently of, a petition for any specific object?---My friend seems to consider the House of Commons as a substantive and permanent part of the Constitution; he seems to forget that the Parliament dies a natural death; that the people then re-enter into their rights, and that the exercise of them is the most important duty that can belong to social man:---How are such duties to be exercised with effect, on momentous occasions, but by concert and communion?---May not the people assembled in their elective districts, resolve to trust no longer those by whom they have been betrayed? May they not resolve to vote for no man who contributed by his voice to this calamitous war, which has thrown such grievous and unnecessary burthens upon them? May they not say, " We will not vote for those who deny we are their constituents; nor for those who question

" our

"our clear and natural right to be equally represented."—Since it is illegal to carry up petitions, and unwise to transact any public business attended by multitudes, because it tends to tumult and disorder, may they not, for that very reason, depute, as they have done, the most trusty of their Societies to meet with one another to consider, without the specific object of petitions, how they may claim, by means which are constitutional, their imprescriptible rights? And here I must advert to an argument employed by the Attorney General, That the views of the Societies towards universal suffrage, carried in themselves (however sought to be effected) an implied force upon Parliament: For that supposing, by invading it with the vast pressure, not of the public arm, but of the public sentiment of the nation, the influence of which upon that assembly is admitted ought to be weighty; it could have prevailed upon the Commons to carry up a bill to the King for universal representation and annual Parliaments, his Majesty was bound to reject it; and could not, without a breach of his coronation oath, consent to pass it into an act. I cannot conceive where my friend met with this law; or what he can possibly mean by asserting that the King cannot, consistently with his coronation oath, consent to any law that can be stated or imagined, presented to him as the act of the two Houses of Parliament:—He could not, indeed, consent to a bill sent up to him framed by a Convention of Delegates assuming legislative functions; and if my friend could have proved that the Societies, sitting as a Parliament, had sent up such a bill to his Majesty, I should have thought the Prisoner, as a member of such a Parliament, was at least in a different situation from that in which he stands at present: But as this is not one of the chimeras whose existence is contended for, I return back to ask upon what authority it is maintained that universal representation and annual Parliaments could not be consented to by the King, in conformity to the wishes of the other branches of the Legislature:—On the contrary, one of the greatest men that this country ever saw, considered universal representation to be such an inherent part of the Constitution as that the King himself might grant it by his prerogative, even without the Lords and Com-

mons; and I have never heard the position denied upon any other footing than the Union with Scotland. But be that as it may, it is enough for my purpose that the maxim that the King might grant universal representation, as a right before inherent in the whole people to be represented, stands upon the authority of Mr. Locke, the man, next to Sir Isaac Newton, of the greatest strength of understanding which England, perhaps, ever had; high too in the favour of King William, and enjoying one of the most exalted offices in the state. Mr. Locke says, Book 2d. Ch. 13. Sect. 157 and 158.—“ Things of this world are
 “ in so constant a flux, that nothing remains long in the same
 “ state. Thus people, riches, trade, power, change their stations, flourishing mighty cities come to ruin, and prove, in
 “ time, neglected desolate corners, whilst other unfrequented
 “ places grow into populous countries, filled with wealth and
 “ inhabitants. But things not always changing equally, and
 “ private interest often keeping up customs and privileges, when
 “ the reasons of them are ceased, it often comes to pass, that in
 “ governments, where part of the legislative consists of *representatives* chosen by the people, that in tract of time this *representation* becomes very *unequal* and disproportionate to the
 “ reasons it was at first established upon. To what gross absurdities the following of custom, when reason has left it, may
 “ lead, we may be satisfied, when we see the bare name of a
 “ town, of which there remains not so much as the ruins, where
 “ scarce so much housing as a sheep-cote, or more inhabitants
 “ than a shepherd is to be found, sends *as many representatives*
 “ to the grand assembly of law-makers, as a whole county, numerous in people, and powerful in riches. This strangers
 “ stand amazed at, and every one must confess needs a remedy.”
 “ *Salus populi suprema lex*, is certainly so just and fundamental
 “ a rule, that he who sincerely follows it, cannot dangerously
 “ err. If, therefore, the executive, who has the power of con-
 “ voking the legislative, observing rather the true proportion,
 “ than fashion of *representation*, regulates, not by old custom,
 “ but true reason, the *number of members* in all places that have
 “ a right to be distinctly represented, which no part of the

" people, however incorporated, can pretend to, but in pro-
 " portion to the assistance which it affords to the public, it
 " cannot be judged to have set up a new legislative, but to have
 " restored the old and true one, and to have rectified the disor-
 " ders which succession of time had insensibly, as well as in-
 " evitably introduced; for it being the interest as well as in-
 " tention of the people to have a fair and *equal representative*,
 " whoever brings it nearest to that, is an undoubted friend to,
 " and establisher of the government, and cannot miss the con-
 " sent and approbation of the community; *prerogative* being
 " nothing but a power, in the hands of the Prince, to provide
 " for the public good, in such cases, which depending upon
 " unforeseen and uncertain occurrences, certain and unalterable
 " laws could not safely direct; whatsoever shall be done mani-
 " festly for the good of the people, and the establishing the go-
 " vernment upon its true foundations is, and always will be, just
 " prerogative. Whatsoever cannot but be acknowledged to be
 " of advantage to the society, and people in general, upon just and
 " lasting measures, will always, when done, justify itself; and
 " whenever the people shall chuse their *representatives upon* just
 " and undeniably *equal measures*, suitable to the original frame of
 " the government, it cannot be doubted to be the will and act of
 " the society, whoever permitted or caused them so to do."

Gentlemen, As the very idea of universal suffrage seems now
 to be considered not only to be dangerous to, but absolutely de-
 structive of Monarchy, you certainly ought to be reminded that
 the book which I have been reading, and which my friend kindly
 gives me a note to remind you of, was written by its immortal
 author in defence of King William's title to the Crown; and
 when Dr. Sacheverel ventured to broach these doctrines of power
 and non-resistance, which, under the same establishments, have
 now become so unaccountably popular; he was impeached by
 the people's representatives for denying their rights which had
 been asserted and established at the glorious æra of the Revo-
 lution.

Gentlemen, If I were to go through all the matter which I
 have collected upon this subject, or which obtrudes itself upon

my mind, from common reading, in a thousand directions, my strength would fail long before my duty was fulfilled; I had very little when I came into Court, and I have abundantly less already; I must, therefore, manage what remains to the best advantage. I proceed, therefore, to take a view of such parts of the evidence as appear to me to be the most material for the proper understanding of the case; I have had no opportunity of considering it but in the interval which the indulgence of the Court, and your own, has afforded me, and that has been but for a very few hours this morning: But it occurred to me that the best use I could make of the time given to me was (if possible) to disembroil this chaos; to throw out of view every thing irrelevant, which only tended to bring chaos back again—to take what remained in order of time—to select certain stages and resting places—to review the effect of the transactions, as brought before us, and then to see how the written evidence is explained by the testimony of the witnesses who have been examined.

The origin of the Constitutional Society not having been laid in evidence before you, the first thing both in point of date, and as applying to shew the objects of the different bodies, is the original address and resolution of the Corresponding Society on its first institution, and when it first began to correspond with the other which had formerly ranked amongst its members so many illustrious persons; and before we look to the matter of this institution, let us recollect that the objects of it were given without reserve to the public, as containing the principles of the association; and I may begin with demanding, whether the annals of this country, or indeed the universal history of mankind, affords an instance of a plot and conspiracy voluntarily given up in its very infancy to Government, and the whole public, and of which, to avoid the very thing that has happened, the arraignment of conduct at a future period, and the imputation of secrecy where no secret was intended, a regular notice by letter was left with the Secretary of State, and a Receipt taken at the Public Office, as a proof of the publicity of their proceeding, and the sense they entertained of their innocence. For the views and objects of the Society, we must look to the

the institution itself, which you are, indeed, desired to look at by the Crown; for their intentions are not considered as deceptions in this instance, but as plainly revealed by the very writing itself.

Gentlemen, there was a sort of silence in the Court—I do not mean an affected one, for I mean no possible offence to any one, but there seemed to be an effect expected from beginning, not with the address itself, but with the very bold motto to it, though in verse:

“ Unblest by Virtue, Government a League

“ Becomes, a circling Junto of the Great

“ To rob by Law; Religion mild, a Yoke

“ To tame the stooping Soul, a trick of State

“ To mask their Rapine, and to share the Prey.

“ Without it, what are Senates, but a Face

“ Of Consultation deep and Reason free,

“ While the determined Voice and Heart are sold?

“ What, boasted Freedom, but a sounding Name?

“ And what Election, but a Market vile,

“ Of Slaves self-bartered?”

I almost fancy I heard them say to me, what think you of that to set out with? Shew me the parallel of that—Gentlemen, I am sorry, for the credit of the age we live in, to answer, that it is difficult to find the parallel; because the age affords no such poet as him who wrote it; These are the words of Thomson; and it is under the banners of his proverbial benevolence, that these men are supposed to be engaging in plans of anarchy and murder; under the banners of that great and good man, whose figure you may still see in the venerable shades of Hagley, placed there by the virtuous, accomplished, and public-spirited Littleton; The very poem too, written under the auspices of his Majesty's Royal Father, when heir-apparent to the Crown of Great-Britain, nay, within the very walls of Carlton-house; which afforded an asylum to matchless worth and genius, in the person of this great poet: It was under the roof of a Prince of Wales that the poem of LIBERTY was written; and what better

return could be given to a Prince for his protection, than to blazon, in immortal numbers, his true title to the Crown he was to wear; the freedom of the people of Great-Britain: And it is to be assumed, forsooth, in the year 1794, that the unfortunate prisoner before you was plotting Treason and Rebellion, because, with a taste and feeling beyond his humble station, his first proceeding was ushered into view under the hallowed sanction of this admirable person, the friend and the defender of the British Constitution; whose countrymen are preparing at this moment (may my name descend amongst them to posterity) to do honour to his immortal memory: I beg pardon, Gentlemen, for this desultory digression, but I must express myself as the current of my mind will carry me.

If we look at the whole of the institution itself, it exactly corresponds with the plan of the Duke of Richmond, as expressed in the letters to Colonel Sharman, and to the High Sheriff of Sussex: This plan they propose to follow, in a public address to the nation, and all their resolutions are framed for its accomplishment; and I desire to know in what they have departed from either, and what they have done which has not been done before, without blame or censure, in the pursuance of the same object. I am not speaking of the libels they may have written, which the law is open to punish, but what part of their conduct has, as applicable to the subject in question, been unprecedented. I have, at this moment, in my eye, an honourable friend of mine, and a distinguished Member of the House of Commons, who, in my own remembrance, I believe in 1780, sat publickly at Guildhall, with many others, some of them Magistrates of the City, as a Convention of Delegates, for the same objects; and, what is still more in point, just before the Convention began to meet at Edinburgh, whose proceedings have been so much relied on, there was a Convention regularly assembled, attended by the Delegates from all the counties of Scotland, for the express and avowed purpose of altering the constitution of Parliament; not by rebellion, but by the same means employed by the prisoner:—The Lord Chief Baron of Scotland sat in the chair, and was assisted by some of the first men in that country,

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and, amongst others, by an honourable person to whom I am most nearly allied, who is at the very head of the bar in Scotland, and most avowedly attached to the law and constitution (the Honorable Henry Erskine, Dean of the Faculty of Advocates, at Edinburgh, brother to Mr. Erskine): These gentlemen, whose good intentions never fell into suspicion, had presented a petition for the alteration of election-laws, which the House of Commons had rejected, and on the spur of that very rejection, they met in a Convention at Edinburgh in 1793; and the stile of their first meeting, was, "A Convention of Delegates, chosen from the counties of Scotland, *for altering and amending the laws concerning Elections*"—not for considering how they might be best amended—not for petitioning Parliament to amend them; but for altering and amending the Election-Laws. These meetings were regularly published, and I will prove, that their first resolution, as I have read it to you, was brought up to London, and delivered to the Editor of the Morning Chronicle by Sir Thomas Dundas, lately created a Peer of Great-Britain, and paid for by him as a public advertisement. Now, suppose any man had imputed Treason or Sedition to these honourable persons, what would have been the consequences? They would have been considered as infamous libellers and traducers, and deservedly hooted out of civilized life: Why then are different constructions to be put upon similar transactions? Why is every thing to be held up as *bona fide* when the example is set, and *mala fide* when it is followed? Why have I not as good a claim to take credit for honest purpose in the poor man I am defending, against whom not a contumelious expression has been proved, as when we find the same expressions in the mouths of the Duke of Richmond or Mr. Burke? I ask nothing more from this observation than that a sober judgment may be pronounced from the quality of the acts which can be fairly established; each individual standing responsible only for his own conduct, instead of having our imaginations tainted with cant phrases, and a farrago of writings and speeches for which the prisoner is not responsible, and for which the authors, if they be criminal, are liable to be brought to justice.

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But it will be said, Gentlemen, that all the constitutional privileges of the people are conceded; that their existence was never denied or invaded; and that their right to petition and to meet for the expression of their complaints, founded or unfounded, was never called in question; these, it will be said, are the Rights of Subjects, but it is the Rights of Man which alarms them: Every man is considered as a Traitor who talks about the Rights of Man; but this bugbear stands upon the same perversion with its fellows:

The Rights of Man is the foundation of all government, and it is to secure them, that is the only reason of men's submitting to be governed; and it shall not be fastened upon the unfortunate prisoner at the bar, nor upon any other man, that because these natural rights were asserted in France by the destruction of a government that oppressed and subverted them, a process happily effected here by slow and imperceptible improvements, that therefore they can only be so asserted in England, where the government, through a gradation of improvement, is well calculated to protect them; we are, fortunately, not driven in this country to the terrible alternatives which were the unhappy lot of France, because we have had a happier destiny in the forms of a free Constitution: This, indeed, is the express language of many of the papers before you that have been complained of; particularly in one alluded to by the Attorney-General, as having been written by a gentleman with whom I am particularly acquainted; and, though in that spirited composition there are, perhaps, some expressions proceeding from warmth which he may not desire me critically to justify, yet I will venture to affirm, from my own personal knowledge, that there is not a man in Court more honestly public-spirited and zealously devoted to the Constitution of King, Lords, and Commons, than the honourable gentleman I allude to, (Felix Vaughan, Esq; Barrister at Law): It is the phrase, therefore, and not the sentiment expressed by it, that can alone give justifiable offence; it is, it seems, a *new* phrase commencing in Revolutions, and never used before in discussing the Rights of British subjects, and therefore can only be applied in the sense of those who framed it; but this is so far from being the truth, that

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the very phrase sticks in my memory, from the memorable application of it to the rights of subjects, under this and every other establishment, by a gentleman whom you will not suspect of using it in any other sense. The Rights of Man were considered by Mr. Burke, at the time that the great uproar was made upon a supposed invasion of the East India Company's Charter, to be the foundation of, and paramount to all the laws and ordinances of a State :—The Ministry, you may remember, were turned out for Mr. Fox's India Bill, which their opponents termed an attack upon the chartered Rights of Man, or in other words, upon the abuses supported by a monopoly in trade.—Hear the sentiments of Mr. Burke, when the NATURAL and CHARTERED Rights of Men are brought into contest. Mr. Burke, in his speech in the House of Commons, expressed himself thus “ The first objection is, that the bill is an attack on “ the chartered Rights of Men.—As to this objection, “ I must “ observe that the phrase of “ The Chartered Rights of *Men*,” is “ full of affectation; and very unusual in the discussion of privileges “ conferred by charters of the present description. But it is not “ difficult to discover what end that ambiguous mode of expression, so often reiterated, is meant to answer.

“ The Rights of *Men*, that is to say the *natural rights* of “ *mankind*, are indeed sacred things; and if any public measure is “ proved mischievously to affect them, the objection ought to be “ fatal to that measure, even if no charter at all could be set up “ against it. And if these natural rights are further affirmed and “ declared by express covenants, clearly defined and secured “ against chicane, power, and authority, by written instruments “ and positive engagements, they are in a still better condition; “ they then partake not only of the sanctity of the object so secured, but of that solemn public faith itself, which secures an “ object of such importance. Indeed, this formal recognition, “ by the sovereign power, of an original right in the subject, can “ never be subverted, but by rooting up the holding radical principles of government, and even of society itself.”

The Duke of Richmond also, in his public letter to the High Sheriff of Sussex, rests the Rights of the People of England upon

upon the same horrible and damnable principle of the Rights of Man. Let, gentlemen, therefore, take care that they do not pull down the very authority which they come here to support;—let them remember, that his Majesty's family was called to the Throne upon the very principle that the ancient Kings of this country had violated these sacred trusts;—let them recollect too in what the violation was charged to exist;—it was charged by the Bill of Rights to exist in cruel and infamous trials; in the packing of Juries; and in disarming the people, whose arms are their unalienable refuge against oppression. But did the people of England assemble to make this declaration? No! because it was unnecessary. The sense of the people, against a corrupt and scandalous government, dissolved it, by almost the ordinary forms by which the old government itself was administered. King William sent his writs to those who had sat in the former Parliament: But will any man, therefore, tell me, that that Parliament re-organized the Government without the will of the people? and that it was not their consent which entailed on King William a particular inheritance to be enjoyed under the dominion of the law? Gentlemen, it was the denial of these principles, asserted at the Revolution in England, that brought forward the Author of the Rights of Man, and stirred up this controversy which has given such alarm to Government:—But for this the literary labours of Mr. Paine had closed.—He asserts it himself in his book, and every body knows it. It was not the French revolution, but Mr. Burke's reflections upon it, followed up by another work on the same subject, *as it regarded things in England*, which brought forward Mr. Paine, and which rendered his works so much the object of attention in this country. Mr. Burke denied positively the very foundation upon which the Revolution of 1688, must stand for its support, viz. The Right of the People to change their Government; and he asserted, in the teeth of his Majesty's title to the Crown, that no such right in the people existed; this is the true history of the second part of the Rights of Man. The first part had little more aspect to this country than to Japan;—it asserted the right of the people of France to act as they had acted, but there was little which pointed to

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it as an example for England. There had been a despotic authority in France which the people had thrown down, and Mr. Burke seemed to question their right to do so: Mr. Paine maintained the contrary in his answer; and having imbibed the principles of Republican Government, during the American revolution, he mixed with the controversy many coarse and harsh remarks upon Monarchy as established, even in England, or in any possible form. But this was collateral to the great object of his work, which was to maintain the right of the people to choose their Government; this was the right which was questioned, and the assertion of it was most interesting to many who were most strenuously attached to the English Government. For men may assert the right of every people to choose their Government without seeking to destroy their own. This accounts for many expressions imputed to the unfortunate prisoners, which I have often uttered myself, and shall continue to utter every day of my life, and call upon the spies of Government to record them:—I will say any where, without fear, nay, I will say here, where I stand, that an attempt to interfere, by despotic combination and violence, with any government which a people choose to give to themselves, whether it be good or evil, is an oppression and subversion of the natural and unalienable rights of man; and though the Government of this country should countenance such a system, it would not only be still legal for me to express my detestation of it, as I here deliberately express it, but it would become my interest and my duty. For, if combinations of despotism can accomplish such a purpose, who shall tell me, what other nation shall be the prey of their ambition.—Upon the very principle of denying to a people the right of governing themselves, how are we to resist the French, should they attempt by violence to fasten their Government upon us? Or, what inducement would there be for resistance to preserve laws, which are not, it seems our own, but which are unalterably imposed upon us. The very argument strikes, as with a palsy, the arm and vigour of the nation. I hold dear the privileges I am contending for, not as privileges hostile to the constitution, but as necessary for its preservation; and if the French were to intrude by force upon the government of

of our own free choice, I should leave these papers and return to a trade that perhaps, I better understand. The next evidence relied on, after the institution of the Corresponding Society, is a letter written to them from Norwich, dated the 11th of November, 1792, with the answer, dated the 26th of the same month:—It is asserted, that this correspondence shews, they aimed at nothing less than the total destruction of the Monarchy, and that they, therefore, veil their intention under covert and ambiguous language. I think on the other hand, and I shall continue to think so, as long as I am capable of thought, that it was impossible for words to convey more clearly the explicit avowal of their original plan for a constitutional reform in the House of Commons. This letter from Norwich, after congratulating the Corresponding Society on its institution, asks several questions arising out of the proceedings of other societies in different parts of the kingdom, which they profess not thoroughly to understand.

The Sheffield people (they observe) seemed at first determined to support the Duke of Richmond's plan only, but that they had afterwards observed a disposition in them to a more moderate plan of reform proposed by the friends of the people in London; whilst the Manchester people, by addressing Mr. Paine, (whom the Norwich people had not addressed) seemed to be intent on Republican principles only; they therefore put a question, not at all of distrust, or suspicion, but bona fide, if ever there was good faith between men, whether the Corresponding Society meant to be satisfied with the plan of the Duke of Richmond? Or, whether it was their private design to rip up Monarchy by the roots, and place Democracy in its stead? Now hear the answer, from whence it is inferred that this last is their intention; they begin their answer with recapitulating the demand of their correspondent, as regularly as a tradesman, who has had an order for goods, recapitulates the order, that there may be no ambiguity in the reference or application of the reply, and then they say, as to the objects they have in view they refer them to their addressees. "You will thereby see that they mean to disseminate political knowledge, and thereby engage the judicious part of the nation to demand the RECOVERY of their LOST rights

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“in ANNUAL Parliaments; the Members of these Parliaments
 “owing their election to unbought suffrages.” They then desire
 them to be careful to avoid all dispute, and say to them put Mo-
 narchy, democracy, and even religion, quite aside; and “Let
 “your endeavours go to encrease the numbers of those who de-
 “fire a full and equal representation of the people, and leave to
 “a Parliament, so chosen, to reform all existing abuses, and if
 “they dont answer, at the years end, you may chuse others in
 “their stead.” The Attorney General says, this is lamely ex-
 pressed; I, on the other hand, say, that it is not only not lamely
 expressed, but anxiously worded to put an end to dangerous spe-
 culations.—Leave all theories undiscussed; do not perplex your-
 selves with abstract questions of Government; endeavour prac-
 tically to get honest representatives,—and if they deceive you—
 then, what?—bring on a Revolution!—No!—Choose others in
 their stead. They refer also to their address, which lay before
 their correspondent; which address expresses itself thus: “Laying
 “aside all claim to originality, we claim no other merit than that
 “of reconsidering and verifying what has already been urged in
 “our common cause by the Duke of Richmond and Mr. Pitt,
 “and their then honest party.”

When the language of the letter, which is branded as ambiguous,
 thus stares them in the face as an undeniable answer to the charge,
 they then have recourse to the old refuge of mala fides; all this they
 say is but a cover for hidden treason. But I ask you, gentlemen, in
 the name of God, and as fair and honest men, what reason, upon
 earth, there is to suppose that the writers of this letter did not mean
 what they expressed? Are you to presume in a Court of Justice,
 and upon a trial for life, that men write with duplicity in their most
 confidential correspondence, even to those with whom they are con-
 federated. Let it be recollected also that, if this correspondence
 was calculated for deception, the deception must have been un-
 derstood and agreed upon by all parties concerned; for other-
 wise you have a conspiracy amongst persons who are at cross
 purposes with one another: consequently the conspiracy, if this
 be a branch of it, is a conspiracy of thousands and ten thousands,
 from one end of the kingdom to the other, who are all guilty,
 if

if any of the prisoners are guilty:—Upwards of forty thousand persons, upon the lowest calculation, must alike be liable to the pains and penalties of the law, and hold their lives as tenants at will of the Ministers of the Crown. In whatever aspect, therefore, this prosecution is regarded, new difficulties and new uncertainties and terrors surround it.

The next thing in order which we have to look at, is the Convention at Edinburgh. It appears that a letter had been written by Mr. Skirving, who was connected with reformers in Scotland proceeding avowedly upon the Duke of Richmond's plan, proposing that there should be a Convention from the Societies assembled at Edinburgh:—Now you will recollect, in the opening, that the Attorney General considered all the great original sin of this conspiracy and treason to have originated with the Societies in London---that the Country Societies were only tools in their hands, and that the Edinburgh Convention was the commencement of their projects; and yet it plainly appears that this Convention originated from neither of the London Societies, but had its beginning at Edinburgh, where, just before, a Convention had been sitting for the Reform in Parliament, attended by the principal persons in Scotland; and surely, without adverting to the nationality so peculiar to the people of that country, it is nothing suspicious, that, since they were to hold a meeting for similar objects, they should make use of the same stile for their Association; and that their Deputies should be called Delegates, when Delegates had attended the other Convention from all the counties, and whom they were every day looking at in their streets, in the course of the very same year that Skirving wrote his letter on the subject. The views of the Corresponding Society, as they regarded this Convention, and consequently the views of the prisoner, must be collected from the written instructions to the Delegates, unless they can be falsified by matter which is collateral. If I constitute an agent, I am bound by what he does, but always with this limitation, for what he does *within the scope of his agency*:--- If I constitute an agent to buy horses for me, and he commits High Treason, it will not, I hope, be argued that I am to be hanged.

hanged. If I constitute an agent for any business that can be stated, and he goes beyond his instructions, he must answer for himself beyond their limits; for beyond them he is not my representative. The acts done, therefore, at the Scotch Convention, whatever may be their quality, are evidence to shew, that in point of fact, a certain number of people got together, and did any thing you choose to call illegal; but, as far as it concerns me, if I am not present, you are limited by my instructions, and have not advanced a single step upon your journey to convict me: The instructions to Skirving have been read, and speak for themselves; they are strictly legal, and pursue the avowed object of the Society; and it will be for the Solicitor General to point out, in his reply, any counter or secret instructions, or any collateral conduct contradictory of the good faith with which they were written. The instructions are in these words—"The Delegates are instructed, on the part of this Society, to assist in bringing forward and supporting any *Constitutional* measure for procuring a real representation of the Commons of Great-Britain." What do you say, Gentlemen, to this language:—How are men to express themselves who desire a Constitutional Reform? The object and the mode of effecting it were equally legal—this is most obvious from the conduct of the Parliament of Ireland, acting under directions from England; they passed the Convention Bill, and made it only a misdemeanor, knowing that, by the law as it stood, it was no misdemeanor at all. Whether this statement may meet with the approbation of others, I care not; I know the fact to be so, and I maintain that you cannot prove upon the Convention which met at Edinburgh, and which is charged to day with High Treason, one thousandth part of what, at last, worked up Government in Ireland to the pitch of voting it a misdemeanor.

Gentlemen, I am not vindicating any thing that can promote disorder in the country, but I am maintaining that the worst possible disorder that can fall upon a country is, when subjects are deprived of the sanction of clear and unambiguous laws.--- If wrong is committed, let punishment follow according to the

measure of that wrong:—If men are turbulent, let them be visited by the laws according to the measure of their turbulency:—If they write libels upon Government, let them be punished according to the quality of those libels. But you must not, and will not, because the stability of the Monarchy is an important concern to the nation, confound the nature and distinctions of crimes, and pronounce that the life of the Sovereign has been invaded, because the privileges of the people have been, perhaps, irregularly and hotly asserted:—You will not, to give security to Government, repeal the most sacred laws instituted for our protection, and which are, indeed, the only consideration for our submitting at all to Government. If the plain letter of the statute of Edward the Third applies to the conduct of the prisoners, let it in God's name be applied;—but let neither their conduct, nor the law that is to judge it, be tortured by construction; nor suffer the transaction, from whence you are to form a dispassionate conclusion of intention, to be magnified by scandalous epithets, nor overwhelmed in an undistinguishable mass of matter, in which you may be lost and bewildered, having missed the only parts which could have furnished a clue to a just or rational judgment.

Gentlemen, this religious regard for the liberty of the subject, against constructive Treason, is well illustrated by Doctor Johnson, the great author of our English Dictionary, a man remarkable for his love of order, and for high principles of Government, but who had the wisdom to know that the great end of Government, in all its forms, is the security of liberty and life under the law. This man, of masculine mind, though disgusted at the disorder which Lord George Gordon created, felt a triumph in his acquittal, and exclaimed, as we learn from Mr. Boswell, “I hate Lord G. Gordon, but I am glad he was not convicted of this constructive Treason; for, though I hate him, I love my country and myself.”—This extraordinary man, no doubt, remembered with Lord Hale, that when the law is broken down, injustice knows no bounds, but runs as far as the wit and invention of accusers, or the detestation of persons accused, will carry it.

Gentlemen,

Gentlemen, you will pardon this almost perpetual recurrence to these considerations; but the present is a season when I have a right to call upon you by every thing sacred in humanity and justice; by every principle which ought to influence the heart of man to consider the situation in which I stand before you. I stand here for a poor, unknown, unprotected individual, charged with a design to subvert the Government of the country, and the dearest rights of its inhabitants; a charge which has collected against him a force sufficient to crush to pieces any private man; the whole weight of the Crown presses upon him; Parliament has been sitting upon ex-parte evidence for months together; and rank and property is associated, from one end of the kingdom to the other, to avert the supposed consequences of the Treason. I am making no complaint of this; but surely it is an awful summons to impartial attention; surely it excuses me for so often calling upon your integrity and firmness to do equal justice between the Crown, so supported, and an unhappy prisoner, so unprotected. Gentlemen, I declare that I am utterly astonished, on looking at the clock, to find how long I have been speaking; and that, agitated and distressed as I am, I have yet strength enough remaining for the remainder of my duty; at every peril of my health it shall be exerted: for although, if this cause should miscarry, I know I shall have justice done me for the honesty of my intentions; yet what is that to the public and posterity? What is it to them, when, if upon this evidence there can stand a conviction of High Treason, it is plain that no man can be said to have a life which is his own? For how can he possibly know by what engines it may be snared, or from what unknown sources it may be attacked and overpowered?

Gentlemen, such a monstrous precedent would be as ruinous to the King as to his subjects. We are in a crisis of our affairs; which, putting justice out of the question, calls in sound policy for the greatest prudence and moderation. At a time when other nations are disposed to subvert their establishments, let it be our wisdom to make the subject feel the practical benefits of our own: let us seek to bring good out of evil: the distracted inhabitants of the world will fly to us for sanctuary,

driven out of their countries from the dreadful consequences of not attending to seasonable reforms in Government; victims to the folly of suffering corruptions to continue, till the whole fabric of society is dissolved and tumbles into ruin: landing upon our shores, they will feel the blessings of security, and they will discover in what they consist: they will read this trial, and their hearts will palpitate at your decision: they will say to one another, and their voices will reach to the ends of the earth; May the Constitution of England endure for ever; the sacred and yet remaining sanctuary for the oppressed: here, and here only, the lot of man is cast in security: what though authority, established for the ends of justice, may lift itself up against it; what though the House of Commons itself should make an ex-parte declaration of guilt; what though every species of art should be employed to entangle the opinions of the people, which in other countries would be inevitable destruction, yet in England, in enlightened England, all this will not pluck a hair from the head of innocence; the Jury will still look stedfastly to the law, as the great Polar star, to direct them in their course: as prudent men they will set no example of disorder, nor pronounce a verdict of censure on authority, or of approbation or disapprobation beyond their judicial province: but, on the other hand, they will make no political sacrifice, but deliver a plain, honest man, from the toils of injustice. When your verdict is pronounced, this will be the judgment of the world; and if any amongst ourselves are alienated in their affections to Government, nothing will be so likely to reclaim them: they will say, Whatever we have lost of our controul in Parliament, we have yet a sheet-anchor remaining to hold the vessel of the State amidst contending storms: we have still, thank God, a sound administration of justice secured to us, in the independence of the Judges, in the rights of enlightened Juries, and in the integrity of the Bar; ready at all times, and upon every possible occasion, whatever may be the consequences to themselves, to stand forward in defence of the meanest man in England, when brought for judgment before the laws of the country.

Gentlemen,

Gentlemen, to return to this Scotch Convention.

Their papers were all seized by Government. What their proceedings were they best know: we can only see what parts they choose to shew us; but, from what we have seen, does any man seriously believe that this meeting at Edinburgh meant to assume and to maintain by force all the functions and authorities of the State? Is the thing within the compass of human belief? If a man were offered a Dukedom, and twenty thousand pounds a year for trying to believe it, he might say he believed it, as what will not man say for gold and honours; but he never in fact could believe that this Edinburgh meeting was a Parliament for Great-Britain: how indeed could he, from the proceedings of a few peaceable, unarmed men, discussing, in a constitutional manner, the means of obtaining a reform in Parliament; and who, to maintain the club, or whatever you choose to call it, collected a little money from people who were well disposed to the cause; a few shillings one day, and perhaps as many pence another: I think, as far I could reckon it up, when the report, from this great Committee of Supply, was read to you, I counted that there had been raised, in the first Session of this Parliament, fifteen pounds, from which indeed you must deduct two bad shillings, which are literally noticed in the account: and is it to be endured, Gentlemen, that men should gravely say, that this body assumed to itself the offices of Parliament! That a few harmless people, who sat, as they profess, to obtain a full representation of the people, were themselves, even in their own imaginations, the complete representation which they sought for! Why should they sit from day to day to consider how they might obtain what they had already got? If their object was an universal representation of the whole people how is it credible they could suppose that universal representation to exist in themselves—in the representatives of a few Societies, instituted to obtain it for the country at large? If they were themselves the nation, why should the language of every resolution be, that Reason ought to be their grand engine for the accomplishment of their object, and should be directed to convince the Nation to speak to Parliament in a voice that must be heard?

The proposition, therefore, is too gross to cram down the throats of the English people, and this is the prisoner's security. Here again he feels the advantage of our free administration of justice: this proposition, on which so much depends, is not to be reasoned upon on parchment, to be delivered privately to magistrates for private judgment: no—he has the privilege of appealing aloud, as he now appeals by me, to an enlightened assembly, full of eyes, and ears, and intelligence; where speaking to a Jury is, in a manner, speaking to a nation at large, and flying for sanctuary to its universal justice.

Gentlemen, the very work of Mr. Paine, under the banners of which this supposed rebellion was set on foot, refutes the charge it is brought forward to support: for Mr. Paine, in his very preface, and throughout his whole book, reprobates the use of force against the most evil Governments; the contrary was never imputed to him. If his book had been written in pursuance of the design of force and rebellion, with which it is now sought to be connected, he would, like the prisoners, have been charged with an overt act of High Treason; but such a proceeding was never thought of. Mr. Paine was indicted for a misdemeanor, and the misdemeanor was argued to consist not in the falsehood that a nation has no right to choose or alter its Government, but in seditiously exciting the nation, without cause, to exercise that right. A learned Lord, (Lord Chief Baron Macdonald) now on this Bench, addressed the Jury as Attorney General upon this principle: his language was this: The question is not what the people have a right to do, for the people are, undoubtedly, the foundation and origin of all Government; but the charge is, for seditiously calling upon the people, without cause or reason, to exercise a right which would be sedition, supposing the right to be in them: for though the people might have a right to do the thing suggested, and though they are not excited to the doing it by force and rebellion, yet, as the suggestion goes to unsettle the State, the propagation of such doctrines is seditious. There is no other way, undoubtedly, of describing that charge. I am not here entering into the application of it to Mr. Paine, whose Counsel I was, and who has been tried already: to say that the
people

people have a right to change their Government is indeed a truism; every body knows it, and they exercised the right, otherwise the King could not have had his establishment amongst us. If, therefore, I stir up individuals to oppose by force the general will, seated in the Government, it may be Treason; but to induce changes in a Government, by exposing to a whole nation its errors and imperfections, can have no bearing upon such an offence: the utmost which can be made of it is a misdemeanor, and that too depending wholly upon the judgment which the Jury may form of the intention of the writer. The Courts, for a long time, indeed, assumed to themselves the province of deciding upon this intention, as a matter of law, conclusively inferring it from the act of publication: I say the Courts *assumed* it, tho' it was not the doctrine of Lord Mansfield, but handed down to him from the precedents of Judges before his time: but even in that case, though the publication was the crime, not, as in this case, the intention; and though the quality of the thing charged, when not rebutted by evidence for the defendant, had so long been considered to be a legal inference, yet the Legislature, to support the province of the Jury, and in tenderness for the liberty of the subject, has lately altered the law upon this important subject. If, therefore, we were not assembled, as we are, to consider of the existence of High Treason against the King's life, but only of a misdemeanor for seditiously disturbing his title and establishment, by the proceedings for a reform in Parliament, I should think the Crown, upon the very principle which, under the libel law, must now govern such a trial, quite as distant from its mark; because, in my opinion, there is no way by which his Majesty's title can more firmly be secured, or by which (above all in our times) its permanency can the best be established, than by promoting a more full and equal representation of the people, by peaceable means; and by what other means has it been sought, in this instance, to be promoted?

Gentlemen, when the members of this Convention were seized, did they attempt resistance? Did they insist upon their privileges as subjects under the laws, or as a Parliament enacting laws for others? If they had said or done any thing to give

colour to such an idea, there needed no spies to convict them; the Crown could have given ample indemnity for evidence from amongst themselves: the Societies consisted of thousands and thousands of persons, some of whom, upon any calculation of human nature, might have been produced: the Delegates, who attended the meetings, could not be supposed to have met, with a different intention from those who sent them; and, if the answer to that is, that the constituents are involved in the guilt of their representatives, we get back to the monstrous position which I observed you before to shrink back from, with visible horror, when I stated it; namely, the involving in the fate and consequence, of this single trial, every man who corresponded with these Societies, or who, as a member of Societies in any part of the kingdom, consented to the meeting which was assembled, or which was in prospect: but, I thank God, I have nothing to fear from such hydras, when I see before me such just and honourable men to hold the balance of justice.

Gentlemen, the dissolution of this Parliament speaks as strong a language as its conduct when sitting. How was it dissolved? When the magistrates entered, Mr. Skirving was in the chair, which he refused to leave: he considered, and asserted his conduct to be legal, and therefore informed the magistrate he must exercise his authority, that the dispersion might appear to be involuntary, and that the subject, disturbed in his rights, might be entitled to his remedy. The magistrate on this took Mr. Skirving by the shoulder, who immediately obeyed; the chair was quitted in a moment, and this great Parliament broke up. What was the effect of all this proceeding at the time, when whatever belonged to it must have been best understood? Were any of the parties indicted for High Treason? Were they indicted even for a breach of the peace in holding the Convention? None of these things. The law of Scotland, arbitrary as it is, was to be disturbed to find a name for their offence, and the rules of trial to be violated to convict them: they were denied their challenges to their Jurors, and other irregularities were introduced, so as to be the subject of complaint in the House of Commons. Gentlemen, in what I am saying, I

am not standing up to vindicate all that they published during these proceedings, more especially those which were written in consequence of the trials I have just alluded to; but allowance must be made for a state of heat and irritation: they saw men whom they believed to be persecuted for what they believed to be innocent; they saw them the victims of sentences which many would consider as equivalent to, if not worse than, judgment of Treason: sentences which, at all events, had never existed before, and such as, I believe, never will again with impunity.—But since I am on the subject of *intention*, I shall conduct myself with the same moderation which I have been prescribing; I will cast no aspersions, but shall content myself with lamenting that these judgments were productive of consequences which rarely follow from authority discreetly exercised. How easy is it then to dispose of as much of the evidence as consumed half a day in the anathemas against the Scotch Judges. It appears that they came to various resolutions concerning them; some good, some bad, and all of them irregular. Amongst others they compare them to Jefferies, and wish that they, who imitate his example, may meet his fate. What then? Irreverend expressions against Judges are not acts of High Treason! If they had assembled round the Court of Justiciary, and hanged them in the execution of their offices, it would not have been Treason within the statute! I am no advocate for disrespect to Judges, and think that it is dangerous to the public order; but, putting aside the insult upon the Judges now in authority, the reprobation of Jefferies is no libel, but an awful and useful memento to wicked men. Lord Chief Justice Jefferies denied the privilege of English law to an innocent man. He refused it to Sir Thomas Armstrong, who in vain pleaded, in bar of his outlawry, that he was out of the realm when he was exacted—(an objection so clear, that it was lately taken for granted, in the case of Mr. Purefoy). The daughter of this unfortunate person, a lady of honour and quality, came publicly into Court to supplicate for her father; and what were the effects of her supplications, and of the law in the mouth of the prisoner? “Sir Thomas Armstrong,” said Jefferies, “you may amuse yourself as much as you please with
“ the

“ the idea of your innocence, but you are to be hanged next “ Friday ;” and, upon the natural exclamation of a daughter at this horrible outrage against her parent, he said, “ take that woman out of Court ;” which she answered by a prayer, that God Almighty’s judgments might light upon him. Gentlemen, they did light upon him ; and when, after his death, which speedily followed this transaction, the matter was brought before the House of Commons, under that glorious Revolution which is asserted throughout the proceedings before you, the judgment against Sir Thomas Armstrong was declared to be a murder under colour of justice ! Sir Robert Sawyer, the Attorney-General, was expelled the House of Commons for his misdemeanour in refusing the Writ of Error ; and the executors of Jefferies were commanded to make compensation to the widow and the daughter of the deceased. These are great monuments of justice ; and, although I do by no means approve of harsh expressions against authority, which tend to weaken the holdings of society, yet let us not go beyond the mark in our restraints, nor suppose that men are dangerously disaffected to the government, because they feel a sort of pride and exultation in events which constitute the dignity and glory of their country.

Gentlemen, this resentment against the proceedings of the Courts in Scotland, was not confined to those who were the objects of them ; it was not confined even to the friends of a Reform in Parliament—a benevolent public, in both parts of the island, joined them in the complaint ; and a gentleman of great moderation, and a most inveterate enemy to Parliamentary Reform, as thinking it not an improvement of the government, but nevertheless a lover of his country and its insulted justice, made the convictions of the Delegates the subject of a public enquiry ;—I speak of my friend Mr, William Adam, who brought these judgments of the Scotch Judges before the House of Commons—arraigned them as contrary to law, and proposed to reverse them by the authority of Parliament. Let it not then be matter of wonder, that these poor men, who were the immediate victims of this injustice, and who saw their brethren expelled from their country by an unprecedented and questionable judgment, should feel,

fect, like men, on the subject, and express themselves as they felt.

Gentlemen, amidst the various distresses and embarrassments which attend my present situation, it is a great consolation that I have marked from the beginning, your vigilant attention and your capacity to understand; it is, therefore, with the utmost confidence that I ask you a few plain questions, arising out of the whole of these Scotch proceedings.

In the first place then, do you believe it to be possible, that if these men had really projected the Convention as a traitorous usurpation of the authorities of Parliament, that they would have invited the Friends of the People, in Frith-street, to assist them, when they knew that this Society was determined not to seek the Reform of the Constitution but by means that were constitutional, and from whom they could neither hope for support nor concealment of evil purposes?

I ask you next, if their objects had been traitorous, would they have given them, without disguise or colour, to the public and to the government, in every common newspaper? And yet it is so far from being a charge against them, that they concealed their objects by hypocrisy or guarded conduct, that I have been driven to admit the justice of the complaint against them, for unnecessary inflammation and exaggeration.

I ask you further, whether, if the proceedings, thus published and exaggerated, had appeared to government, who knew every thing belonging to them, in the light they represent them to you to-day, they could possibly have slept over them with such complacent indifference and silence? For it is notorious, that after this Convention had been held at Edinburgh; after, in short, every thing had been said, written and transacted, on which I am now commenting, and after Mr. Paine's book had been for above a year in universal circulation; aye, up to the very day when Mr. Grey gave notice, in the House of Commons, of the intention of the Friends of the People for a Reform in Parliament, there was not even a single indictment on the file for a misdemeanour; but, from that moment, when it was seen that the cause was not beat down

down or abandoned, the Proclamation made its appearance, and all the proceedings that followed had their birth.

I ask you, lastly, Gentlemen, whether it be in human nature, that a few unprotected men, conscious in their own minds, that they had been engaged and detected in a detestable rebellion to cut off the King, to destroy the administration of justice, and to subvert the whole fabric of the government, should turn round upon their country, whose ruin they had projected, and whose most obvious justice attached on them, complaining, forsooth, that their Delegates, taken by Magistrates, in the very act of High Treason, had been harshly and illegally interrupted in a meritorious proceeding? The history of mankind never furnished an instance, nor ever will, of such extravagant, preposterous, and unnatural conduct! No, no, Gentlemen; all their hot blood was towing to their firm persuasion, dictated by conscious innocence, that the conduct of their Delegates had been legal, and might be vindicated against the Magistrates who obstructed them: In that they might be mistaken; I am not arguing that point at present: If they are hereafter indicted for a misdemeanour, and I am Counsel in that cause, I will then tell you what I think of it: Sufficient for the day is the good or evil of it, and it is sufficient, therefore, for the present one, that the legality or illegality of the business has no relation to the crime that is imputed to the prisoner.

The next matter that is alleged against the authors of the Scotch Convention, and the Societies which supported it, is, their having sent addresses of friendship to the Convention of France. These addresses are considered to be a decisive proof of Republican combination, verging closely in themselves upon an overt-act of Treason. Gentlemen, if the dates of these addresses are attended to, which come no lower down than November 1792, we have only to lament, that they are but the acts of private subjects, and that they were not sanctioned by the State itself. The French Nation, about that period, under their new Constitution, or under their new Anarchy, call it which you will, were nevertheless most anxiously desirous of maintaining peace with this country---But the King was advised to withdraw

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his Ambassador from France, upon the approaching catastrophe of its most unfortunate Prince; an event which, however to be deplored, was no justifiable cause of offence to Great-Britain. France desired nothing but the regeneration of her own government, and if she mistook the road of her prosperity, what was that to us.

But it was alleged against her in Parliament, that she had introduced spies amongst us, and held correspondence with disaffected persons, for the destruction of our Constitution; this was the charge of our Minister, and it was, therefore, held to be just and necessary, for the safety of the country, to hold France at arm's length, and to avoid the very contagion of contact with her at the risque of war.—But, Gentlemen, this charge against France was thought by many, to be supported by no better proofs than those against the prisoner. In the public correspondence of the Ambassador from the French King, and upon his death from the Convention, with his Majesty's Secretary of State, documents which lie upon the table of the House of Commons, and which may be made evidence in the cause, the Executive Council repelled, with indignation, all the imputations which to this very hour are held out as the vindications of quarrel. “If there be such persons in England,” says Monsieur Chauvelin—“has not England laws to punish them; France disavows them—such men are not Frenchmen.” The same correspondence conveys the most solemn assurances of friendship down to the very end of the year 1792—a period subsequent to all the correspondences and addresses complained of.

Whether these assurances were faithful or otherwise, whether it would have been prudent to have depended on them or otherwise, whether the war was adviseable or unadviseable, are questions over which we have no jurisdiction; I only desire to bring to your recollection, that a man may be a friend to the rights of humanity and to the imprescriptible Rights of social Man, which is now a term of derision and contempt, that he may feel to the very soul for a nation beset by the sword of despots, and yet be a lover of his own country and its constitution.

Gentlemen,

Gentlemen, the same celebrated person, at whom I have had occasion to speak so frequently, is the best and brightest illustration of this truth. Mr. Burke, indeed, went a great deal further than requires to be pressed into the present argument; for he maintained the cause of Justice and of Truth, against all the perverted authority and rash violence of his country, and expressed the feelings of a Christian and a patriot in the very heat of the American war; boldly holding forth our victories as defeats, and our successes as calamities and disgraces. "It is not instantly," said Mr. Burke, "that I can be brought to rejoice, when I hear of the slaughter and captivity of long lists of those names which have been familiar to my ears from my infancy, and to rejoice that they have fallen under the sword of strangers, whose barbarous appellations I scarcely know how to pronounce. The glory acquired at the *Wh. Plains* by *Colonel Raille*, has no charms for me; and I fairly acknowledge, that I have not yet learned to delight in finding *Fort Kniphausen* in the heart of the British dominions." If this had been said or written by Mr. Yorke at Sheffield, or by any other Member of these Societies, heated with wine at the Globe Tavern, it would have been trumpeted forth as decisive evidence of a rebellious spirit, rejoicing in the downfall of his country; yet the great author whose writings I have borrowed from, approved himself to be the friend of his country at that calamitous crisis, and had it pleased God to open the understandings of our rulers, his wisdom might have averted the storms that are now thickening around us. We must not, therefore, be too severe in our strictures upon the opinions and feelings of men as they regard such mighty public questions. The interests of a nation may often be one thing, and the interests of its Government another; but the interests of those who hold Government for the hour is at all times different from either. At the time many of the papers before you were circulated on the subject of the war with France, many of the best and wisest men in this kingdom began to be driven by our situation to these melancholy and dangerous reflections; and thousands of persons, the most firmly attached to the principles of our Constitution, and who never

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were Members of any of these Societies, considered and still consider Great-Britain as the aggressor against France; they considered, and still consider, that she had a right to choose a Government for herself, and that it was contrary to the first principles of Justice, and, if possible, still more repugnant to the genius of our own free Constitution, to combine with Despots for her destruction: and who knows but that the external pressure upon France may have been the cause of that unheard of state of Society which we complain of; who knows but that driven as she has been to exertions beyond the ordinary vigour of a nation, it has not been the parent of that unnatural and giant strength which threatens the authors of it with perdition.

These are melancholy considerations, but they may reasonably, and at all events be lawfully entertained. We owe obedience to Government in our actions, but surely our opinions are free.

Gentlemen, pursuing the order of time, we are arrived at length at the proposition to hold another Convention, which, with the supposed support of it by force, are the only overt acts of High Treason charged upon this record. For, strange as it may appear, there is no charge whatever before you of any one of those acts or writings, the evidence of which consumed so many days in reading, and which has already nearly consumed my strength in only passing them in review before you. If every line and letter of all the writings I have been commenting upon were admitted to be traitorous machinations, and if the Convention in Scotland was an open rebellion, it is conceded to be foreign to the present purpose, unless as such criminality in them might shew the views and objects of the persons engaged in them:—On that principle only the Court has over and over again decided the evidence of them to be admissible; and on the same principle I have illustrated them in their order as they happened, that I might lead the prisoner in your view up to the very point and moment when the Treason is supposed to have burst forth into the overt act for which he is arraigned before you.

Gentlemen, the transaction respecting this second Convention,

tion, which constitutes the principal, or more properly the only overt act in the indictment, lies in the narrowest compass, and is clouded with no ambiguity. We admit freely every act which is imputed to us, and listen not so much with fear as with curiosity and wonder, to the Treason sought to be connected with it.

You will recollect that the first motion towards the holding of a second Convention, originated in a letter to the prisoner from a Country Correspondent, in which the legality of the former was vindicated, and its dispersion lamented:—This letter was answered on the 27th of March, 1794, and was read to you in the Crown's evidence in these words:

“ CITIZEN,

“ March 27, 1794.

“ I am directed by the London Corresponding Society to transmit the following Resolutions to the Society for Constitutional Information, and to request the sentiments of that Society respecting the important measures which the present juncture of affairs seems to require.

“ The London Corresponding Society conceives that the moment is arrived, when a full and explicit declaration is necessary from all the friends of freedom—whether the late *illegal and unheard of prosecutions and sentences* shall determine us to abandon our cause, or shall excite us to pursue a radical Reform, with an ardour proportioned to the magnitude of the object, and with a zeal as *distinguished on our parts* as the *treachery of others in the same glorious cause is notorious*. The Society for Constitutional Information is therefore required to determine whether or no they will be ready, when called upon, to act in conjunction with *this and other Societies to obtain a fair representation of the PEOPLE—whether they concur with us in seeing the necessity of a speedy Convention, for the purpose of obtaining in a constitutional and legal method, a redress of those grievances under which we at present labour, and which can only be effectually removed by a full and fair representation of the people of Great-Britain*. The London Corresponding Society cannot but remind their friends that

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“ the present crisis demands all the prudence, unanimity, and
 “ vigour, that may or can be exerted by MEN and Britons;
 “ nor do they doubt but that manly firmness and consistency will
 “ finally, and they believe shortly, terminate in the full accom-
 “ plishment of all their wishes.

“ I am, Fellow-Citizen,

“ (In my humble measure)

“ A friend to the Rights of Man,

“ (Signed) T. HARDY, Secretary.”

They then resolve that there is no security for the continuance of any right but in equality of laws; not in equality of property, the ridiculous bugbear by which you are to be frightened into injustice;--on the contrary, throughout every part of the proceedings, and most emphatically in Mr. Yorke's speech, so much relied on, the beneficial subordinations of society, the security of property, and the prosperity of the landed and commercial interests, are held forth as the very objects to be attained by the Reform in the Representation which they sought for.

In examining this first moving towards a second Convention, the first thing to be considered is, what reason there is, from the letter I have just read to you, or from any thing that appears to have led to it, to suppose that a different sort of Convention was projected from that which had been before assembled and dispersed. The letter says *another* British Convention; and it describes the same objects as the first—compare all the papers for the calling this second Convention with those for assembling the first, and you will find no difference, except that they mixed with them extraneous and libellous matter, arising obviously from the irritation produced by the sailing of the transports with their brethren condemned to exile. These papers have already been considered, and separated, as they ought to be, from the charge.

I will now lay before you all the remaining operations of this formidable conspiracy up to the prisoner's imprisonment in the Tower. Mr. Hardy having received the letter just adverted to, regarding a second Convention, the Corresponding Society wrote the letter of the 27th of May, and

which was found in his hand-writing, and is published in the first Report, page 11. This letter, enclosing the Resolutions they had come to upon the subject, was considered by the Constitutional Society on the next day, the 28th of March, the ordinary day for their meeting, when they sent an answer to the Corresponding Society, informing them that they had received their communication; that they heartily concurred with them in the objects they had in view, and invited them to send a delegation of their members to confer with them on the subject.

Now what were the objects they concurred in, and what was to be the subject of conference between the Societies by their Delegates? Look at the letter which distinctly expresses its objects, and the means by which they sought to effect them:--- Had these poor men (too numerous to meet all together, and therefore renewing the cause of Parliamentary Reform by delegation from the Societies) any reason to suppose that they were involving themselves in the pains of Treason, and that they were compassing the King's death, when they were redeeming (as they thought) his authority from probable downfall and ruin? Had Treason been imputed to the Delegates before? Had the imagining the death of the King ever been imagined by any body? Or when they were prosecuted for misdemeanours, was the prosecution considered as an indulgence conferred upon men whose lives had been forfeited? And is it to be endured then in this free land, made free too by the virtue of our forefathers, who placed the King upon his throne to maintain this freedom, that forty or fifty thousand people in the different parts of the kingdom, assembling in their little Societies to spread useful knowledge, and to diffuse the principles of liberty, which the more widely they are spread, the surer is the condition of our free Government, are in a moment, without warning, without any law or principle to warrant it, and without precedent or example, to be branded as traitors, and to be decimated as victims for punishment!

Gentlemen, the Constitutional Society having answered the letter of the 27th of March, in the manner I stated to you; Committees, from each of the two Societies, were appointed to confer together.

together.---The Constitutional Society appointed Mr. Joyce, Mr. Kidd, Mr. Wardle, and Mr. Holcroft, all indicted; and Mr. Sharpe, the celebrated engraver, not indicted; but examined as a witness by the crown;—Five were appointed by the Corresponding Society to meet these Gentlemen, viz. Mr. Baxter, Mr. Moore, Mr. Thelwall, and Mr. Hodgson, all indicted, and Mr. Lovatt, against whom the bill was thrown out. These Gentlemen met at the house of Mr. Thelwall on the 11th of April, and there published the resolutions already commented on, in conformity with the general objects of the two Societies, expressed in the letter of the 27th of March, and agreed to continue to meet on Monday's and Thursday's for further conference on the subject. The first Monday was the 14th of April, of which we have heard so much, and no meeting was held on that day;—the first Thursday was the 17th of April, but there was no meeting;—the 21st of April was the second Monday, but there was still no meeting;—the 24th of April was the second Thursday, when the five of the Corresponding Society attended, but nobody coming to meet them from the other, nothing of course was transacted;---on Monday, the 28th of April, three weeks after their first appointment, this bloody and impatient band of conspirators, seeing that a convention bill was in projection, and that Hessians were landing on our coasts, at last assembled themselves; and now we come to the point of action. Gentlemen, they met; they shook hands with each other; they talked over the news and the pleasures of the day; they wished one another a good evening, and retired to their homes.—It is in vain to hide it, they certainly did all these things. The same alarming scene was repeated on the three following days of meeting, and on Monday, May the 12th, would, but for the vigilance of Government, have probably again taken place:—But on that day Mr. Hardy was arrested, his papers seized, and the conspiracy which pervaded this devoted country was dragged into the face of day. To be serious, Gentlemen, you have LITERALLY the whole of it before you in the meetings, I have just stated; in which you find ten Gentlemen, appointed by two peaceable Societies, conversing upon the subject of a Constitutional Reform in Parlia-

ment, publishing the result of their deliberations, without any other arms than one supper knife; which, when I come to the subject of arms, I will, in form, lay before you.—Yet for this, and for this alone, you are asked to devote the prisoner before you, and his unfortunate associates, to the pains and penalties of death, and not to death alone, but to the eternal stigma and infamy of having conceived the detestable and horrible design of dissolving the Government of their country, and of striking at the life of their Sovereign, who had never given offence to them, nor to any of his subjects.

Gentlemen, as a conspiracy of this formidable extension, which had no less for its object than the sudden annihilation of all the existing authorities of the country, and of every thing that supported them, could not be even gravely stated to have an existence, without contemplation of force to give it effect; it was absolutely necessary to impress upon the public mind, and to establish, by formal evidence, upon the present occasion, that such a force was actually in preparation.—This most important and indispensable part of the cause was attended with unsurmountable difficulties, not only from its being unfounded in fact, but because it had been expressly negatived by the whole conduct of Government:—For although the motions of all these Societies had been watched for two years together; though their spies had regularly attended, and collected regular journals of their proceedings, yet when the first report was finished, and the Habeas Corpus Act suspended upon the foundation of the facts contained in it, there was not to be found, from one end of it to the other, even the insinuation of arms; I believe that this circumstance made a great impression upon all the thinking dispassionate part of the public, and that the materials of the first report were thought to furnish but a slender argument to support such a total eclipse of liberty: No wonder then that the discovery of a pike in the interval between the two reports should have been highly estimated. I mean no reflections upon Government, and only state the matter, as a man of great wit very publicly reported it; he said that the discoverer, when he first beheld the long looked for pike, was transported beyond himself with enthusiasm and delight, and that

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he hung over the rusty instrument with all the raptures of a fond mother, who embraces her first born infant "*and thanks her God for all her travail passed.*"

Gentlemen, in consequence of this discovery, whoever might have the merit of it, and whatever the discoverer might have felt upon it, persons were sent by Government (and properly sent) into all corners of the kingdom to investigate the extent of the mischief; the fruit of this enquiry has been laid before you, and I pledge myself to sum up the evidence which you have had upon the subject, not by parts, or by general observations, but in the same manner as the Court itself must sum it up to you, when it lays the whole body of the proof with fidelity before you.

Gentlemen, notwithstanding all the declamations upon French anarchy, I think I may safely assert, that it has been distinctly proved, by the evidence, that the Sheffield people were for universal Representation in a British House of Commons. This appears to have been the general sentiment, with the exception of one witness, whose testimony makes the truth, and bona fides of the sentiments far more striking; the witness I allude to (George Widdison) whose evidence I shall state in its place, seems to be a plain, blunt honest man, and by the bye, which must never be forgotten of any of them, the Crown's witnesses. I am not interested in the veracity of any of them, for (as I have frequently adverted to) the Crown must take them for better for worse; it must support each witness, and the whole body of its evidence throughout. If you do not believe the whole of what is proved by a witness, what confidence can you have in part of it, or what part can you select to confide in? If you are deceived in part, who shall measure the boundaries of the deception? This man says he was at first for universal suffrage; Mr. Yorke had persuaded him, from all the books, that it was the best; but that he afterwards saw reason to think otherwise, and was not for going the length of the Duke of Richmond; but that all the other Sheffield people were for the Duke's plan; a fact confirmed by the cross-examination of every one of the witnesses. You have, therefore, positively and distinctly, upon the universal authority of the evidence of the Crown, the people

of Sheffield, who are charged as at the head of a republican conspiracy, proved to be associated on the very principles which, at different times, has distinguished the most eminent persons in this kingdom; and the charge made upon them, with regard to arms, is cleared up by the same universal testimony.

You recollect that, at a meeting held upon the Castle-hill, there were two parties in the country, and it is material to attend to what these two parties were. In consequence of the King's proclamation, a great number of honourable, zealous persons, who had been led by a thousand artifices to believe that there was a just cause of alarm in the country, took very extraordinary steps for support of the magistracy. The publicans were directed not to entertain persons who were friendly to a reform of Parliament; and alarms of change and revolution pervaded the country, which became greater and greater, as our ears were hourly assailed with the successive calamities of France. Others saw things in an opposite light, and considered that these calamities were made the pretext for extinguishing British liberty; heart-burnings arose between the two parties; and some, I am afraid a great many, wickedly or ignorantly interposed in a quarrel which zeal had begun. The Societies were disturbed in their meetings, and even the private dwellings of many of their members were illegally violated. It appears by the very evidence for the Crown, by which the cause must stand or fall, that many of the friends of reform were daily insulted, their houses threatened to be pulled down, and their peaceable meetings beset by pretended magistrates, without the process of the law. These proceedings naturally suggested the propriety of having arms for self-defence, the first and most unquestionable privilege of man, in or out of Society, and expressly provided for by the very letter of English law. It was ingeniously put by the learned Counsel, in the examination of a witness, that it was complained of amongst them, that very little was sufficient to obtain a warrant from some magistrates, and that therefore it was as well to be provided for those who might have warrants as for those who had none. Gentlemen, I am too much exhausted to pursue or argue such a difference, even if it existed upon the evidence,

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because if the Societies in question (however mistakenly) considered their meetings to be legal, and the warrants to disturb them to be beyond the authority of the magistrate to grant, they had a right, at the peril of the legal consequences, to stand upon their defence; and it is no transgression of the law, much less High Treason against the King, to resist his officers when they pass the bounds of their authority. So much for the general evidence of arms; and the first and last time that even the name of the prisoner is connected with the subject, is by a letter he received from a person of the name of Davison. I am anxious that this part of the case should be distinctly understood, and I will, therefore, bring back this letter to your attention. The letter is as follows:

" FELLOW CITIZEN,

" The barefaced aristocracy of the present Administration, has
 " made it necessary that we should be prepared to act on the de-
 " fensive, against any attack they may command their newly
 " armed minions to make upon us. A plan has been hit upon,
 " and, if encouraged sufficiently, will, no doubt, have the ef-
 " fect, of furnishing a quantity of pikes to the patriots, great
 " enough to make them formidable. The blades are made of
 " steel, tempered and polished after an approved form. They
 " may be fixed into any shafts (but *fir* ones are recommended)
 " of the girth of the accompanying hoops at the top end, and
 " about an inch more at the bottom.

" The blades and hoops (more than which cannot properly
 " be sent to any great distance) will be charged one shilling.
 " Money to be sent with the orders.

" As the institution is in its infancy, immediate encourage-
 " ment is necessary.

" Orders may be sent to the Secretary of the Sheffield Consti-
 " tutional Society. (*Struck out.*)

" RICHARD DAVISON.

" *Sheffield, April 24, 1794.*"

Gentlemen, you must recollect (for if it should escape you, it might make a great difference) that Davison directs the answer to this letter to be sent to Robert Moody at Sheffield, to

prevent Post Office suspicion; and that he also encloses in it a similar one, which Mr. Hardy was to forward to Norwich, in order that the Society at that place might provide pikes for themselves in the same manner that Davison was recommending through Hardy, to the people of London: now what followed upon the prisoner's receiving this letter? It is in evidence, by this very Moody, to whom the answer was to be sent, and who was examined as a witness by the Crown, that he never received any answer to the letter; and, although there was an universal seizure of papers, no such letter, nor any other, appeared to have been written; and, what is more, the letter to Norwich, from Davison, enclosed in his letter to Hardy, was never forwarded, but was found in his custody when he was arrested, three weeks afterwards, folded up in the other, and unopened, as he received it. Good God! what is become of the humane sanctuary of English justice—and where is the sense and meaning of the term *proveably* in the statute of King Edward—if such evidence can be received against an English subject, on a trial for his life? If a man writes a letter to me about pikes, or about any thing else, can I help it? And is it evidence (except to acquit me of suspicion) when it appears that nothing is done upon it? Mr. Hardy never before corresponded with Davison—he never desired him to write to him. How indeed could he desire him when his very existence was unknown to him? He never returned an answer; he never forwarded the enclosed to Norwich; he never even communicated the letter itself to his own Society, although he was its Secretary, which shewed he considered it as the unauthorized, officious correspondence of a private man; he never acted upon it at all, nor appears to have regarded it as dangerous or important, since he neither destroyed nor concealed it. Gentlemen, I declare I hardly know in what language to express my astonishment, that the Crown can ask you to shed the blood of the man at the bar upon such foundations. Yet this is the whole of the written evidence concerning arms; for the remainder of the plot rests, for its foundation, upon the parole evidence, the whole of which I shall pursue with precision, and not suffer a link of the chain to pass unexamined.

William

William Camage was the first witness: he swore that the Sheffield Societies were frequently insulted, and threatened to be dispersed; so that the people in general thought it necessary to defend themselves against illegal attacks; that the Justices having officiously intruded themselves into their peaceable and legal meetings, they thought they had a right to be armed; but they did not claim this right under the law of nature, or by theories of Government, but as ENGLISH SUBJECTS, under the Government of ENGLAND; for they say in their paper, which has been read by the Crown that would condemn them, that they were entitled by the BILL OF RIGHTS to be armed. Gentlemen, they state their title truly. The preamble of that statute enumerates the offences of King James the Second, amongst the chief of which was, his causing his subjects to be disarmed, and then our ancestors claim this violated right as their indefeasible inheritance. Let us therefore be cautious how we rush to the conclusion, that men are plotting Treason against the King, because they are asserting a right, the violation of which has been adjudged against a King to be Treason against the people; and let us not suppose that English subjects are a banditti, for preparing to defend their legal liberties with pikes, because pikes may have been accidentally employed in another country to destroy both liberty and law. Camage says he was spoken to by this Davison about three dozen of pikes—what then? He is the Crown's witness, whom they offer to you as the witness of truth, and he started with horror at the idea of violence, and spoke with visible reverence for the King; saying, God forbid that he should touch him, but who, nevertheless, had a pike for himself. Indeed, the manliness, with which he avowed it, gave an additional strength to his evidence—"No doubt," says he, "I had a pike, but I would not have remained an hour a member of the Society, if I had heard a syllable that it was in the contemplation of any body to employ pikes or any other arms against the King or the Government. We meant to petition Parliament, through the means of the Convention of Edinburgh, thinking that the House of Commons would listen to this expression of the general sentiments of the people for it had
"been

" been thrown out, he said, in Parliament, that the people did not desire it themselves."

Mr. Broomhead, whose evidence I have already commented upon, a sedate, plain, sensible man, spoke also of his affection to the Government, and of the insults and threats which had been offered to the people of Sheffield: he says, " I heard of arms on the Castle-hill, but it is fit this should be distinctly explained: a wicked hand-bill, to provoke and terrify the multitude, had been thrown about the town in the night, which caused agitation in the minds of the people; and it was then spoken of, as being the right of every individual, to have arms for defence; but there was no idea ever started of *resisting*, much less of *attacking* the Government. I never heard of such a thing. I fear God," said the witness, " and honour the King; and would not have consented to send a Delegate to Edinburgh, but for peaceable and legal purposes."

The next evidence, upon the subject of arms, is what is proved by Widdison, to which I beg your particular attention, because, if there be any reliance upon his testimony, it puts an end to every criminal imputation upon Davison, through whom, in the strange manner already observed upon, Hardy could alone be criminated.

This man, Widdison, who was both a turner and hair-dresser, and who dressed Davison's hair, and was his most intimate acquaintance, gives you an account of their most confidential conversations upon the subject of the pikes, when it is impossible that they could be imposing upon one another; and he declares, upon his solemn oath, that Davison, without even the knowledge or authority of the Sheffield Society, thinking that the same insults might be offered to the London Societies, wrote the letter to Hardy, of his own head, as the witness expressed it, and that he, Widdison, made the pike-shafts, to the number of a dozen and an half. Davison, he said, was his customer; he told him that people began to think themselves in danger, and he therefore made the handles of the pikes for sale, to the number of a dozen and an half, and one likewise for himself, without conceiving that he offended against any law. " I love the King,"

"King," said Widdison, "as much as any man, and all the people I associated with, did the same; I would not have staid with them if they had not:—Mr. Yorke often told me privately, that he was for universal representation; and so were we all—the Duke of Richmond's plan was our only object." This was the witness who was shewn the Duke's letter, and spoke to it as being circulated, and as the very creed of the Societies.

Gentlemen, this evidence shews, beyond all doubt, the genuine sentiments of these people, because it consists of their most confidential communications with one another; and the only answer, therefore, that can possibly be given to it is, that the witnesses, who deliver it, are imposing upon the Court. But this (as I have wearied you with reiterating) the Crown cannot say; for, in that case, their whole proof falls to the ground together, since it is only from these witnesses that the very existence of these pikes and their handles come before us; and, if you suspect their evidence in part, for the reasons already given, it must be *in toto* rejected. My friend is so good as to furnish me with this further observation; that Widdison said he had often heard those, who called themselves Aristocrats, say, that if an invasion of the the country should take place, they would begin with destroying their enemies at home, that they might be unanimous in the defence of their country.

John Hill was next called: he is a cutler, and was employed by Davison to make the blades for the pikes; he saw the letter which was sent to Hardy, and knew that it was sent, lest there should be the same call for defence in London, against illegal attacks upon the Societies; for that at Sheffield they were daily insulted, and that the opposite party came to his own house, fired muskets under the door, and threatened to pull it down; he swears that they were, to a man, faithful to the King, and that the reform proposed was in the Commons House of Parliament.

John Edwards was called, further to connect the prisoner with this combination of force; but so far from establishing it, he swore, upon his cross-examination, that his only reason for going

to Hardy's was, that he wanted a pike for his own defence, without connection with Davidson, or with Sheffield, and without concert or correspondence with any body. He had heard, he said, of the violences at Sheffield, and of the pikes that had been made there for defence; that Hardy, on his application, shewed him the letter which, as has appeared, he never shewed to any other person.

Gentlemen, this is the whole sum and substance of the evidence which applies to the charge of pikes, after the closest investigation, under the sanction, and by the aid of Parliament itself; evidence which, so far from establishing the fact, would have been a satisfactory answer to almost any testimony by which such a fact could have been supported: for in this unparalleled proceeding, the prisoner's Counsel is driven by his duty to dwell upon the detail of the Crown's proofs; because the whole body of it is the completest answer to the indictment which even a free choice itself could have selected.

Gentlemen, it is further worthy of your attention, that, as far as the evidence proceeds, from these plain, natural sources, which the Crown was driven to, for the necessary foundation of the proceedings before you, it has been simple, uniform, natural, and consistent; and that whenever a different complection was to be given to it, it was only through the medium of spies and informers, and of men, independently of their infamous trade, of the most abandoned and profligate characters.

Gentlemen, before I advert to what has been sworn by this description of persons, I will give you a wholesome caution concerning them, and, having no eloquence of my own to enforce it, I will give it to you in the language of the same Gentleman whose works are always seasonable, when moral or political lessons are to be rendered delightful. Look then at the picture of society, as Mr. Burke has drawn it, under the dominion of Spies and Informers: I say under their *dominion*, for a resort to spies may, on occasions, be justifiable, and their evidence, when confirmed, may deserve implicit credit: But I say under the *dominion* of spies and informers, because the case of the Crown must stand alone upon their evidence, and upon their evidence, not only unconfirmed, but

but in direct contradiction to every witness, not an informer or a spy, and in a case too where the truth, whatever it is, lies within the knowledge of forty or fifty thousand people. Mr. Burke says—I believe I can remember it without reference to the book,

“ A mercenary informer knows no distinction. Under such a system, the obnoxious people are slaves, not only to the Government, but they live at the mercy of every individual; they are at once the slaves of the whole community, and of every part of it; and the worst and most unmerciful men are those on whose goodness they most depend.

“ In this situation men not only shrink from the frowns of a stern Magistrate, but are obliged to fly from their very species. The seeds of destruction are sown in civil intercourse and in social habitudes. The blood of wholesome kindred is infected. The tables and beds are surrounded with snares. All the means given by Providence to make life safe and comfortable, are perverted into instruments of terror and torment. This species of universal subserviency that makes the very servant who waits behind your chair, the arbiter of your life and fortune, has such a tendency to degrade and abase mankind, and to deprive them of that assured and liberal state of mind which alone can make us what we ought to be, that I vow to God, I would sooner bring myself to put a man to immediate death for opinions I disliked, and so to get rid of the man and his opinions at once, than to fret him with a feverish being, tainted with the jail distemper of a contagious servitude, to keep him above ground, an animated mass of putrefaction, corrupted himself, and corrupting all about him.”

Gentlemen, let me bring to your recollection the deportment of the first of this tribe, Mr. Alexander, who could not in half an hour even tell where he had lived, or why he had left his master.—Does any man believe that he had forgotten these most recent transactions of his life? Certainty not—but his history would have undone his credit, and must therefore be concealed. He had lived with a linen-draper, whose address we could scarcely

get from him, and they had parted because they had words:--- What were the words? We were not to be told that. He then went to a Mr. Killerby's, who agreed with him at twenty-five guineas a year;---Why did he not stay there? He was obliged, it seems, to give up this lucrative agreement, because he was obliged to attend here as a witness.

Gentlemen, Mr. Killerby lives only in Holborn, and was he obliged to give up a permanent engagement with a tradesman in Holborn, because he was obliged to be absent at the Old Bailey for five minutes in one single day? I asked him if he had told Mr. White, the Solicitor for the Treasury, who would not have been so cruel as to deprive a man of his bread, by keeping him upon attendance which might have been avoided by a particular notice.

Gentlemen, the thing spoke for itself—he had never told Mr. White: But had he ever told Mr. Killerby? For how else could he know that his place was inconsistent with his engagement upon this trial:---No, he had never told him!—How then did he collect that his place was inconsistent with his duty here? ---This question never received any answer. You saw how he dealt with it, and how he stood stammering, not daring to lift up his countenance in any direction, confused, disconcerted, and confounded.

Driven from the accusation upon the subject of pikes, and even from the very colour of accusation, and knowing that nothing was to be done without the proof of arms, we have got this miserable, solitary knife, held up to us as the engine which was to destroy the Constitution of this Country; and Mr. Groves, an Old Bailey Solicitor, employed as a spy upon the occasion, has been selected to give probability to this monstrous absurdity, by his respectable evidence. I understand that this same Gentleman has carried his system of spying to such a pitch as to practice it since this unfortunate man has been standing a prisoner before you, proffering himself, as a friend, to the Committee preparing his Defence, that he might discover to the Crown the materials by which he meant to defend his life.

Gentlemen, I state this only from report, and I hope in God
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I am mistaken; for human nature starts back appalled from such atrocity, and shrinks and trembles at the very statement of it. But as to the perjury of this miscreant, it will appear palpable beyond all question, and he shall answer for it in due season. This witness tells you he attended at Chalk Farm, and that there, forsooth, amongst about seven or eight thousand people, he saw two or three persons with knives:---He might, I should think, have seen many more, as hardly any man goes without a knife of some sort in his pocket. He asked, however, it seems, where they got these knives, and was directed to Green, a hair-dresser, who deals besides in cutlery, and accordingly this notable Mr. Groves went (as he told us) to Green's, and asked to purchase a knife; when Green in answer to him said, "Speak low, for my wife is a damn'd Aristocrat."---This answer was sworn to by the wretch, to give you the idea that Green, who had the knives to sell, was conscious that he kept them for an illegal and wicked purpose, and that they were not to be sold in public. The door, he says, being a-jar, the man desired him to speak low, from whence he would have you understand that it was because this Aristocratic wife was within hearing. This, Gentlemen, is the testimony of Groves, and Green himself is called as the next witness; and called by whom? Not by me---I know nothing of him, he is the Crown's own witness. He is called to confirm Groves's evidence; but, *not being a spy*, he declared solemnly upon his oath, and I can confirm his evidence by several respectable people, that the knives in question lie constantly, and lay then in his open shop window, in what is called the shew glass, where Cutlers, like other tradesmen, expose their ware to public view; and that the knives differ in nothing from others publicly sold in the Strand, and every other street in London;---that he bespoke them from a rider, who came round for orders in the usual way; that he sold only fourteen in all, and that they were made up in little packets, one of which Mr. Hardy had, who was to choose one for himself, but four more were found in his possession, because he was arrested before Green had an opportunity of sending for them.

Gentlemen, I think the pikes and knives are now compleatly disposed

disposed of; but something was said also about guns; let us, therefore, see what that amounts to.—It appears that Mr. Hardy was applied to by Samuel Williams, a gun engraver, who was not even a member of any society, and who asked him if he knew any body who wanted a gun—Hardy said he did not; and undoubtedly upon the Crown's own shewing, it must be taken for granted that if at that time he had been acquainted with any plan of arming, he would have given a different answer, and would have jumped at the offer:—About a fortnight afterwards, however, (Hardy in the interval having become acquainted with Franklow) Williams called to buy a pair of shoes, and then Hardy, recollecting his former application, referred him to Franklow, who had in the most public manner raised the forty men, who were called the Loyal Lambeth Association: So that in order to give this transaction any bearing upon the charge, it became necessary to consider Franklow's Association as an armed conspiracy against the Government; though the forty people who composed it were collected by public advertisement; though they were enrolled under public articles; and though Franklow himself, as appears from the evidence, attended publicly at the Globe Tavern in his uniform, whilst the cartouch boxes and the other accoutrements of these secret conspirators, lay openly upon his shop-board exposed to the open view of all his customers and neighbours. This story, therefore, is not less contemptible than that which you must have all heard concerning Mr. Walker, whom I went to defend at Lancaster, where that respectable Gentleman was brought to trial upon such a trumped up charge, supported by the solitary evidence of one Dunn, a most infamous witness: But what was the end of that prosecution:—I recollect it to the honour of my friend, Mr. Law, who conducted it for the Crown, who knowing that there were persons whose passions were agitated upon these subjects at that moment, and that many persons had enrolled themselves in societies to resist conspiracies against the Government, behaved in a most manful and honourable manner, in a manner, indeed, which the public ought to know, and which I hope it never will forget: He would not even put me upon my challenges to such

persons, but withdrew them from the pannel; and when he saw the complexion of the affair, from the contradiction of the infamous witness whose testimony supported it, he honourably gave up the cause.

Gentlemen, the evidence of Lynam does not require the same contradiction which fell upon Mr. Groves, because it destroys itself by its own intrinsic inconsistency; I could not, indeed, if it were to save my life, undertake to state it to you. It lasted, I think, about six or seven hours, but I have marked under different parts of it, passages so grossly contradictory, matter so impossible, so inconsistent with any course of conduct, that it will be sufficient to bring these parts to your view, to destroy all the rest. But let us first examine in what manner this matter, such as it is, was recorded.—He professed to speak from notes, yet I observed him frequently looking up to the ceiling whilst he was speaking;—when I said to him, are you now speaking from a note? Have you got any note of what you are now saying? He answered; oh no, this is from recollection.---Good God Almighty! Recollection mixing itself with notes in a case of High Treason.---He did not even take down the words---nay, to do the man justice, he did not even affect to have taken the words, but only the substance, as he himself expressed it—O excellent evidence! The substance of words taken down by a spy, and supplied, when defective, by his memory. But I must not call him a spy; for it seems he took them bona fide as a Delegate, and yet bona fide as an informer;---what a happy combination of fidelity! faithful to serve, and faithful to betray. Correct to record for the business of the Society, and correct to dissolve and to punish it.---What after all do the notes amount to? I will advert to the parts I alluded to---they were, it seems, to go to Frith-street, to sign the Declaration of the Friends of the Liberty of the Press, which lay there already signed by between twenty and thirty Members of the House of Commons, and many other respectable and opulent men, and then they were to begin civil confusion, and the King's Head and Mr. Pitt's were to be placed on Temple Bar. Immediately after which we find them resolving unanimously to thank Mr. Wharton for

his speech to support the Glorious Revolution of 1688, which supports the very throne that was to be destroyed ! which same speech they were to circulate in thousands for the use of the Societies throughout the kingdom. Such incoherent, impossible matter, proceeding from such a source, is unworthy of all further concern.

Gentlemen, thus driven out of every thing which relates to arms, and from every other matter which can possibly attach upon life, they have recourse to an expedient, which, I declare, fills my mind with horror and terror : It is this—The Corresponding Society had (you recollect) two years before, sent Delegates to Scotland, with specific instructions, peaceably to pursue a Parliamentary Reform ; when the Convention which they were sent to was dispersed they sent no others—for they were arrested when only considering of the propriety of another Convention. It happened that Mr. Hardy was the Secretary during the period of these Scotch proceedings, and the letters consequently written by him, during that period, were all official letters from a large body, circulated by him in point of form. When the proposition took place for calling a second Convention, Mr. Hardy continued to be Secretary, and, in that character, signed the circular letter read in the course of the evidence, which appears to have found its way, in the course of circulation, INTO SCOTLAND : This single circumstance has been admitted as the foundation of receiving in evidence against the prisoner, a long transaction imputed to one Watt, at Edinburgh, whose very existence was unknown to Hardy. This Watt had been employed by government as a spy, but at last caught a Tartar in his spyship ; for, in endeavouring to urge innocent men to a project which never entered into their imaginations, he was obliged to shew himself ready to do what he recommended to others ; and the tables being turned upon him, he was hanged by his employers. This man Watt read from a paper designs to be accomplished, but which he never intended to attempt, and the success of which he knew to be visionary :—To suppose that Great-Britain could have been destroyed by such a rebel as Watt, would be, as Dr. Johnson says, to expect
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that a great city might be drowned by the overflowing of its kennels. But whatever might be the peril of Watt's conspiracy, what had Hardy to do with it? The people with Watt were five or six people, wholly unknown to Hardy, and not members of any society of which Mr. Hardy was a member: I vow to God, therefore, that I cannot express what I feel, when I am obliged to state the evidence by which he is sought to be affected.—A letter, viz: the circular letter signed by Hardy for calling another Convention, is shewn to George Ross, who says he received it from one Stock, who belonged to a Society which met in Nicholson-street, in Edinburgh, and that he sent it to Perth, Strathaven, and Paisley, and other places in Scotland; and the single unconnected evidence of this public letter, finding its way into Scotland, is made the foundation of letting in the whole evidence, which hanged Watt, against Hardy, who never knew him. Government hanged its own spy in Scotland upon that evidence, and it may be sufficient evidence for that purpose: I will not argue the case of a dead man, and, above all, of such a man; but I will say, that too much money was spent upon this performance, as I think it cost government about fifty thousand pounds. McEwen says, that Watt read from a paper to a committee of six or seven people, of which he, the witness, was a member, that Gentlemen, residing in the country, were not to leave their habitations, under pain of death; that an attack was to be made in the manner you remember, and that the Lord Justice Clerk and the Judges, were to be cut off by these men in buckram; and then an Address was to be sent to the King, desiring him to dismiss his Ministers and to put an end to the war, or that he might expect bad consequences. What is all this to Mr. Hardy? How is it possible to affect him with any part of this? Hear the sequel, and then judge for yourselves.—Mr. Watt said, i. e. the man who is hanged, said, after reading the paper, that he, Watt, wished to correspond with Mr. Hardy in a safe manner; so that because a ruffian and a scoundrel, whom I never heard or saw, chuses, at the distance of 400 miles, to say, that he *wishes to correspond with me*, I am to be involved in the guilt of his actions! It is not proved, or insinuated, that

Mr. Hardy ever saw, or heard of, or knew, that such men were in being as Watt or Downie : Nor is it proved, or asserted, that any letter was, in fact, written by either of them to Hardy, or to any other person : No such letter has been found in his possession, nor a trace of any connection between them and any member of any English Society :—The truth I believe, is, that nothing was intended by Watt but to entrap others to obtain a reward for himself, and he has been amply and justly rewarded. Gentlemen, I desire to be understood to be making no attacks upon Government ; I have wished, throughout the whole cause, that good intentions may be imputed to it, but I really confess that it requires some ingenuity for Government to account for the original existence of all this history, and its subsequent application to the present trial. They went down to Scotland, after the arrest of the prisoners, in order, I suppose, that we might be taught the law of High Treason by the Lord Justice Clerk of Edinburgh, and that there should be a sort of rehearsal to teach the people of England to administer English laws : For, after all this expence and preparation, no man was put upon his trial, nor even arraigned under the special commission in Scotland, but these two men ; one for reading this paper, and the other for not dissenting from it when it was read ; and, with regard to this last unfortunate person, the Crown thought it indecent, as it would indeed have been indecent and scandalous, to execute the law upon him ; as a gentleman upon his Jury said, he would die rather than convict Downie without a recommendation of mercy, and he was only brought over to join in the verdict, under the idea that he would not be executed, and, accordingly, he has not suffered execution. If Downie then was an object of mercy, or rather of justice, though he was in the very room with Watt, and heard distinctly the proposition, upon what possible ground can they demand the life of the Prisoner at the bar, on account of a connection with the very same individual, though he never corresponded with him, nor saw him, nor heard of him, and to whose very being he was an utter stranger ?

Gentlemen, it is impossible for me to know what impression this observation makes upon you, or upon the Court ; but I declare

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I am deeply impressed with the application of it. How is a man to defend himself against such implications of guilt?—Which of us all would be safe, standing at the bar of God or Man, if he were even to answer for all his *own* expressions, without taking upon him the crimes or rashnesses of *others*? That poor man has, indeed, none of his own to answer for: Yet how can he stand safely in judgment before you, if, in a season of alarm and agitation, with the whole pressure of Government upon him, your minds are to be distracted with criminalizing materials brought from so many quarters, and of an extent which mocks all power of discrimination? I am conscious that I have not adverted to the thousandth part of them; yet I am sinking under fatigue and weakness---I am at this moment scarcely able to stand up whilst I am speaking to you, deprived as I have been for nights together of every thing that deserves the name of rest, repose, or comfort. I therefore hasten, whilst yet I may be able, to remind you once again of the great principle into which all I have been saying resolves itself.

Gentlemen, my whole argument then amounts to no more than this, that before the crime of compassing THE KING'S DEATH can be found *by you, the Jury*, whose province it is to judge of its existence, it must be *believed by you* to have existed in point of fact.

Before you can adjudge A FACT, you *must believe it*—not suspect it, or imagine it, or fancy it,—BUT BELIEVE IT—and it is impossible to impress the human mind with such a reasonable and certain belief, as is necessary to be impressed, before a Christian man can adjudge his neighbour to the smallest penalty, much less to the pains of death, without having such evidence as a reasonable mind will accept of, as the infallible test of truth. And what is that evidence?—Neither more or less than that which the constitution has established in the Courts for the general admission of justice; namely, that the evidence convinces the Jury, beyond all reasonable doubt, that the criminal *intention*, constituting the crime, existed in the mind of the man upon trial, and was the main spring of his conduct. The rules of

evidence, as they are settled by law, and adopted in its general administration, are not to be over-ruled or tampered with. They are founded in the charities of religion---in the philosophy of nature---in the truths of history, and in the experience of common life; and whoever ventures rashly to depart from them, let him remember that it will be meted to him in the same measure, and that both God and man will judge him accordingly.

Gentlemen, these are arguments addressed to your reasons and consciences, not to be shaken in upright minds by any precedent, for no precedents can sanctify injustice:---If they could, every human right would long ago have been extinct upon the earth.

If the State Trials in bad times are to be searched for precedents, what murders may you not commit; what law of humanity may you not trample upon; what rule of justice may you not violate; and what maxim of wise policy may you not abrogate and confound?

If precedents in bad times are to be implicitly followed, why should we have heard any evidence at all? You might have convicted without any evidence, for many have been so convicted, and in this manner murdered, even by acts of Parliament.

If precedents in bad times are to be followed, why should the Lords and Commons have investigated these charges, and the Crown have put them into this course of judicial trial? Since, without such a trial, and even after an acquittal upon one, they might have attainted all the prisoners by act of Parliament;---they did so in the case of Lord Strafford. There are precedents, therefore, for all such things; but such precedents as could not for a moment survive the times of madness and distraction, which gave them birth, but which, as soon as the spurs of the occasions were blunted, were repealed, and execrated even by Parliaments which (little as I may think of the present) ought not to be compared with it:---Parliaments sitting in the darkness of former times,---in the night of freedom, before the principles of Government were developed, and before the Constitution became fixed.

The last of these precedents, and all the proceedings upon it, were ordered to be taken off the file and burnt, to the intent that

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the same might no longer be visible in after ages; an order, dictated, no doubt, by a pious tenderness for national honour, and meant as a charitable covering for the crimes of our fathers.---But it was a sin against posterity; it was a treason against society,---for instead of commanding them to be burnt, they should rather have directed them to be blazoned in large letters upon the walls of our Courts of Justice, that like the characters, decyphered by the prophet of God, to the Eastern tyrant, they might enlarge and blacken in your sights, to terrify you from acts of injustice.

In times, when the whole habitable earth is in a state of change and fluctuation, when deserts are starting up into civilized empires around you, and when men, no longer slaves to the prejudices of particular countries, much less to the abuses of particular Governments, enlist themselves, like the citizens of an enlightened world, into whatever communities their civil liberties may be best protected; it never can be for the advantage of this country to prove, that the strict, unextended letter of her laws, is no security to its inhabitants. On the contrary, when so dangerous a lure is every where holding out to emigration, it will be found to be the wisest policy of Great Britain to set up her happy Constitution, the strict letter of her guardian laws, and the proud condition of equal freedom, which her highest and her lowest subjects ought equally to enjoy; it will be her wisest policy to set up these first of human blessings against those charms of change and novelty which the varying condition of the world is hourly displaying, and which may deeply affect the population and prosperity of our country. In times when the subordination to authority is said to be every where but too little felt, it will be found to be the wisest policy of Great-Britain, to instil into the governed an almost superstitious reverence for the strict security of the laws; which, from their equality of principle, beget no jealousies or discontent; which, from their equal administration, can seldom work injustice; and which, from the reverence growing out of their mildness and antiquity, acquire a stability in the habits and affections of men, far beyond the force of civil obligation: Whereas severe penalties, and arbitrary constructions of laws intended for security, lay the foundations of alienation from

every human Government, and have been the cause of all the calamities that have come, and are coming upon the earth.

Gentlemen, what we read of in books makes but a faint impression upon us, compared to what we see passing under our eyes in the living world. I remember the people of another country, in like manner, contending for a renovation of their constitution, sometimes illegally and turbulently, but still devoted to an honest end; I myself saw the people of Brabant so contending for the ancient constitution of the good Duke of Burgundy; How was this people dealt by?---All, who were only contending for their own rights and privileges, were supposed to be of course disaffected to the Emperor:---They were handed over to Courts constituted for the emergency, as this is, and the Emperor marched his army through the country till all was peace;---but such peace as there is in Vesuvius, or *Ætna*, the very moment before they vomit forth their lava, and roll their conflagrations over the devoted habitations of mankind: When the French approached, the fatal effects were suddenly seen of a Government of constraint and terror; the well affected were dispirited, and the disaffected inflamed into fury. At that moment the Arch-Duchess fled from Brussels, and the Duke of Saxe Teschen was sent express to offer the *joyeuse entrée* so long petitioned for in vain: but the season of concession was passed; the storm blew from every quarter, and the throne of Brabant departed for ever from the House of Burgundy. Gentlemen, I venture to affirm, that with other councils, this fatal prelude to the last revolution in that country, might have been averted:---If the Emperor had been advised to make the concessions of justice and affection to his people, they would have risen in a mass to maintain their Prince's authority, interwoven with their own liberties; and the French, the giants of modern times, would, like the giants of antiquity, have been trampled in the mire of their own ambition. In the same manner a far more splendid and important Crown passed away from his Majesty's illustrious brows:---THE IMPERIAL CROWN OF AMERICA.---The people of that country too, for a long season, contended as subjects, and often with irregularity and turbulence, for what they felt to be their

rights: And, O! Gentlemen, that the inspiring and immortal eloquence of that man, whose name I have so often mentioned, had then been heard with effect;---what was his language to this country when she sought to lay burthens on America, not to support the dignity of the Crown, or for the encrease of national revenue, but to raise a fund for the purpose of corruption; a fund for maintaining those tribes of hireling Skip Jacks, which Mr. Tooke so well contrasted with the hereditary Nobility of England!---Though America would not bear this imposition, she would have borne any useful or constitutional burthen to support the parent state.---“For that service, for all service,” said Mr. Burke, “whether of revenue, trade, or empire, my trust is in her interest in the British Constitution. My hold of the colonies is in the close affection which grows from common names, from kindred blood, from similar privileges, and equal protection. These are ties which, though light as air, are as strong as links of iron. Let the colonies always keep the idea of their civil rights associated with your Governments, they will cling and grapple to you, and no force under heaven will be of power to tear them from their allegiance. But let it be once understood, that your Government may be one thing, and their privileges another; that these two things may exist without any mutual relation; the cement is gone; the cohesion is loosened; and every thing hastens to decay and dissolution. As long as you have the wisdom to keep the sovereign authority of this country as the sanctuary of liberty, the sacred temple consecrated to our common faith, wherever the chosen race and sons of England worship freedom, they will turn their faces toward you. The more they multiply, the more friends you will have; the more ardently they love liberty, the more perfect will be their obedience. Slavery they can have any where. It is a weed that grows in every soil. They may have it from Spain, they may have it from Prussia. But until you become lost to all feeling of your true interest and your natural dignity, freedom they can have from none but you. This is the commodity of price, of which you have the monopoly. This is the true
“act

“ act of navigation, which binds to you the commerce of the
 “ colonies, and through them secures to you the wealth of the
 “ world. Is it not the same virtue which does every thing for
 “ us here in England? Do you imagine then, that it is the land-
 “ tax act which raises your revenue? that it is the annual vote
 “ in the Committee of Supply, which gives you your army?
 “ or that it is the mutiny bill which inspires it with bravery and
 “ discipline? No! surely no! It is the love of the people;
 “ it is their attachment to their Government, from the sense of
 “ the deep stake they have in such a glorious institution, which
 “ gives you your army and your navy, and infuses into both that
 “ liberal obedience, without which your army would be a base
 “ rabble, and your navy nothing but rotten timber.”

Gentlemen, to conclude—My fervent wish is, that we may
 not conjure up a spirit to destroy ourselves, nor set the example
 here of what in another country we deplore.—Let us cherish the
 old and venerable laws of our forefathers.—Let our judicial ad-
 ministration be strict and pure; and let the Jury of the land
 preserve the life of a fellow subject, who only asks it from them
 upon the same terms under which they hold their own lives, and
 all that is dear to them, and their posterity for ever.

Gentlemen, let me repeat the wish with which I began my
 address to you, and which proceeds from the very bottom of my
 heart;—may it please God, who is the author of all mercies to
 mankind, whose Providence, I am persuaded, guides and super-
 intends the transactions of the world, and whose Guardian Spirit
 has for ever hovered over this prosperous island, to direct and
 fortify your judgments, I am aware I have not acquitted myself
 to the unfortunate man, who has put his trust in me, in the
 manner I could have wished; and yet I am unable to proceed
 any further: exhausted in spirit and in strength, but confident
 in the expectation of justice. There is one thing more, how-
 ever, that (if I can) I must state to you, namely, that I will
 shew, by as many witnesses, as it may be found necessary or
 convenient for you to hear upon the subject, that the views of
 the Societies were what I have alleged them to be: that whatever
 irregularities or indiscretions they might have committed, their
 purposes

purposes were honest; and that Mr. Hardy's, above all other men, can be established to have been so. I have, indeed, an Honourable Gentleman (Mr. Francis) in my eye, at this moment, to be called hereafter as a witness, who being desirous in his place, as a Member of Parliament, to promote an enquiry into the seditious practices complained of, Mr. Hardy offered himself voluntarily to come forward, proffered a sight of all the papers, which were afterwards seized in his custody, and tendered every possible assistance to give satisfaction to the injured laws of his country, if found to be offended. I will shew likewise his character to be religious, temperate, humane, and moderate, and his uniform conduct all that can belong to a good subject, and an honest man; when you have heard this evidence, it will, beyond all doubt, confirm you in coming to that conclusion which, at such great length, (for which I entreat your pardon) I have been endeavouring to bring you to.

EVIDENCE

EVIDENCE FOR THE PRISONER.

Florimond Goddard (sworn)

Examined by *Mr. Gibbs*..

Q. You were a member, I believe, of the London Corresponding Society?

A. I was.

Q. Were you of the same Division with the prisoner, Mr. Hardy?

A. Yes; No. 2.

Q. Did you attend the Divisions much?

A. Very regularly. I do not know that I missed one night during near two years; it is nearly two years since I belonged to it.

Q. Is it two years that you have ceased to belong to it?

A. No; two years since I first belonged to it, to the present time. I ceased to be a member of it when Mr. Hardy was taken up.

Q. You saw Mr. Hardy frequently?

A. It was very rarely that he was absent.

Q. Were you acquainted with him?

A. Perfectly well; I have seen him four, five, or six times a week. I hardly ever missed a Sunday, but I called upon him, either in the course of the day, or in the evening.

Q. What was his character—a man of a peaceable disposition, or at all inclined to riot or tumult?

A. A remarkably peaceable disposition.

Q. Was he a friend to order?

A. Very much so; there was an instance of it in the Society, at the time we were dispersed from the public-houses; he desired particularly, when we got to a private-house, that no member would even bring a stick with him.

Q. Then he was a great friend to peace and order?

A. Remarkably so.

Q. What

Q. What were the objects of your Society?

A. A Parliamentary Reform; nothing else that I ever heard.

Q. In what House of Parliament did you wish that reform to take place?

A. In the House of Commons.

Lord Chief Justice Eyre. The witness should be told, that there is a question touching the conduct of the Society, whether it is highly criminal, or whether it is innocent; the witness understanding that, and being willing to answer, may answer; but he must understand that, in consequence of his answering the questions, on the part of the prisoner, he will also be liable to be examined on the same points, on the part of the prosecution; and that I cannot then protect him, if any question is put to him that he would wish not to answer.

Mr. Gibbs. I understand so.

Lord Chief Justice Eyre. Every witness should understand that when he is called.

Mr. Gibbs. We think that every witness that we shall call, will submit to any cross-examination the Crown may choose.

Lord Chief Justice Eyre. It is right he should be told.

Mr. Gibbs. You will understand, that it will not be an excuse to you, with respect to any question that the Attorney General may ask, that an answer will accuse yourself.

A. I am not afraid of answering to any thing that I know.

Lord Chief Justice Eyre. The witness has had a fair notice of the situation he is in; if he chooses to subject himself to answer, very well.

Mr. Gibbs. You have said, that the only object of your Society was a Reform in the House of Commons?

A. Nothing else.

Q. Was it any part of your views to make any alteration in the House of Lords?

A. None.

Q. Had you ever any design to make any attack, or to trench at all upon the authority of the Crown?

A. No; God forbid.

Q. You had not?

A. No.

A. No.

Mr. Attorney General. I object to that question; you should ask him what his object was.

Mr. Gibbs. I understand, and I take the rule from the Court, that a Counsel must not put an answer into the mouth of a witness, but he may lead him to the subject. I asked if they had any views to a change in the House of Lords.

Lord Chief Justice Eyre. I apprehend the more correct question would be, what were the views of the Society with respect to the House of Lords.

Mr. Gibbs. I will put it so. You said you did wish that there should be a Reform in the House of Commons; what were the views of the Society with respect to the House of Lords?

A. None.

Q. What were the views of the Society with respect to the authority of the Crown?

A. None.

Q. You told me you were intimately acquainted with Mr. Hardy, did he converse with you often upon political subjects?

A. Frequently.

Q. If he had had any views different from yours, do you think you should have known them?

A. I think I should, for curiosity often led me to ask him a number of questions.

Q. Had you any reason, from any conversation that you ever had with him, to think that his views were different from yours; that he had any views either upon the House of Lords or the King?

A. No; certainly not.

Mr. Attorney General. I object to that question.

Mr. Erskine. Are you afraid of the question?

Mr. Attorney General. I will not have the question put in that form; I am afraid of questions that ought not to be put.

Mr. Erskine. Afraid of the question being put?

Mr. Attorney General. I am afraid of no question that ought to be put, but of questions that ought not to be put.

Mr.

Mr. Erskine. I don't understand you.

Mr. Attorney General. I think you would not have made the observation if you did.

Mr. Erskine. I still less understand you now, and am surprised, I own.

Lord Chief Justice Eyre. What is the question that you think there is any doubt about; let us know what the question is, and the Court will give their assistance towards mediating.

Mr. Solicitor General. The Attorney General objected, because the question was not put in the proper stile.

Lord Chief Justice Eyre. I do not exactly, at this moment, know to what it pointed; it escaped me.

Mr. Gibbs. I believe I had better go on with the examination. You tell me you never collected, from Mr. Hardy, that he had any different views from those that you had?

A. No.

Q. Did Mr. Hardy ever produce, at the Division meeting of your Society, any letter, that he received from Sheffield, about pikes?

A. No; never.

Q. Did he ever communicate it to you?

A. Never.

Florimond Goddard,

Cross-examined by *Mr. Attorney General.*

Q. That gentleman asked you whether Mr. Hardy had ever communicated to you that letter from Sheffield, you immediately said no. Now I should be glad to ask you how you knew what letter it was that that gentleman alluded to—what is the letter that you mean to speak of, when you say Hardy never communicated it to you?

A. The Sheffield letter.

Q. I should be glad to know what Sheffield letter you mean?

A. I don't know.

Q. Then how came you to say he never communicated the Sheffield letter, without knowing what letter it was?

A. The letter about pikes.

Mr. Attorney General. The witness overheard that.

Mr. Gibbs. I asked, in the examination in chief, whether the letter, relating to pikes, had been read; I put it in those terms; I do aver, upon my veracity, that I did; and I will not have that contradicted.

Lord Chief Justice Eyre. It is time for me to interpose, and not to suffer these things to pass at the table. I agree that you did ask the question in that manner, because I have taken it so; but I also agree, that you ought not to interrupt the cross-examination; they will put their questions in such manner as they please, and you will set it right, if they put it wrong, when you come to re-examine the witness; there ought not to be any breaking in upon one another, because one gentleman thinks that another gentleman did not put the question in the manner he put it; he puts the question in the manner he understands the gentleman put it.

Mr. Gibbs. Because there was a direct contradiction to the fact.

Mr. Attorney General. I must entreat your Lordships to interpose, and I hold it to be my duty to do it. There is a gentleman who is not Counsel in the cause, who sits next Mr. Gibbs, and when I asked the witness the question, what letter it was, I heard him in this part of the Court, as I believe some other gentlemen did, say, "The letter about pikes." Now I do not mean to say, and I desire in justice to that gentleman to observe, that I do not mean to say, by any means that he intended the witness should hear that explanation given to Mr. Gibbs; I do not believe it; I therefore disavow that; but I must desire that no gentleman should sit next the Counsel for the defendant, or the Counsel for the Crown, who under—not the colour, I will not use that word—but under the fact of communicating and conversing with the defendant's Counsel, should, in point of fact, lead—I do not mean to say in point of intention—the witness to giving an answer which he could not have given.

Mr. Vaughan. I presume my lord, as I have been personally alluded to, I may be permitted to speak.—I assure the Attorney General, and the whole Court, upon my honour, that I

had

had none of the intentions, nor would have been guilty of the fact which he imputes to me; and the only circumstance which induced me to make one single observation is this---that Mr. Erskine and Mr. Gibbs did me the honour to desire that I would sit next them, because some months ago I was consulted upon the subject of this trial; that being the case, many circumstances might occur to my recollection with which they might not be acquainted.

Lord Chief Justice Eyre. There can be no objection at all; the Court will certainly not interpose to prevent your sitting next the Counsel who are assigned for the prisoner, and giving them any assistance that your particular knowledge may enable you to give them; at the same time that situation is a delicate one, and you will undoubtedly take particular care to avoid any thing that may give any ground to any man alive to suppose you do not make a correct use of it. I do not suppose you do otherwise, I have not taken any notice of your conduct that authorizes me to make any objection to it; but if you said any thing loud enough to be taken notice of by the witnesses, you was not so correct as you should have been.

Mr. Vaughan. I certainly would not, my Lord. If the Attorney General desires, I will remove to any other part of the Court.

Lord Chief Justice Eyre. I don't desire you should, for if you can, though not assigned Counsel for the prisoner, by your particular knowledge, be of any use to his Counsel, the Court have no objection to your giving any sort of communication you can possibly give.

Mr. Attorney General. I heard said as distinctly as I hear myself, when I put the question, "the letter about the pikes."

Lord Chief Justice Eyre. I had really taken down the answer of the witness before any part of this conversation arose--- "that he had never heard of any letter from Sheffield about "pikes."

Mr. Attorney General. How long have you been a member of this Society?

A. Nearly two years.

Q. You are of the Division No. 2. I understand?

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A. Yes.

A. Yes.

Q. Who introduced you into this Society?

A. A brother of mine.

Q. Where does he live?

A. He did live at No. 27, in Pall-Mall; he is removed to Horselydown.

Q. Were you at the Globe Tavern on the 20th of January, 1794?

A. I was.

Q. Were you at Chalk Farm upon the 14th of April?

A. I was.

Q. Being at the Globe Tavern upon the 20th of January, 1794, am I to understand you to say, that nothing passed there but what was quite peaceable and right, according to your notion?

A. Every thing was very peaceable.

Q. Did you ever see a printed account of what passed there?

A. Yes; there were some resolutions.

Q. Which were afterwards printed?

A. Yes.

Q. Were the resolutions that you saw in print a correct account of what really did pass there?

A. I think they were.

Q. Then that being a correct account of what did pass upon the 20th of January, 1794, you mean to state to the Court and the Jury that the proceedings, as contained in that printed paper, were according to your ideas correct and peaceable, and according to the law of the land, as you understand?

A. I understood it so.

Q. You said you were at Chalk Farm?

A. I was.

Q. And you also mean to state, as far as your opinion goes, that the proceedings at Chalk Farm were exactly what they really ought to be?

A. I thought so.

Q. Perhaps you were at the meeting in Breillat's Yard when Delegates were chosen to be sent to Scotland?

A. I

A. I was not.

Q. Not being there, perhaps, you did not know the fact that a Delegate was sent to the Convention in Scotland?

A. Yes, I did.

Q. Knowing the fact, you approved of that measure, I suppose?

A. Yes—I never was in office, but I used regularly to attend.

Q. Did you ever hear of the Secret Committee in your Society?

A. Yes, I have heard of it.

Q. Then having heard of the Secret Committee, do you happen to know who the Secret Committee were composed of?

A. That I never did.

Q. Bless me! you were a member of the Corresponding Society, which had a Secret Committee; all their transactions were peaceable, and yet you don't know who the Secret Committee were?

A. No, I do not—I will say every thing I know.

Q. Every answer that you have given to me yet proves to me that you are an honest man. This Society, whose proceedings were so peaceable, had a Secret Committee?

A. They had.

Q. Was it known among the body in general who the Secret Committee were?

A. I do not think it was.

Q. Then you mean to say, giving this character of the proceedings of this Society, that you remained in the Society, there being a Secret Committee of persons whose names you did not know, of course you did not know what were the proceedings of any Committee, the names of which Committee you did not know?

A. I did not.

Q. When the prisoner and some other people were apprehended, do not you know that there was another Secret Committee formed?

A. I never attended afterwards.

Q. Do not you know that there was another Secret Committee formed?

A. I do not know it.

Q. You have heard it in your Divisions?

A. I never attended a Division afterwards.

Q. You left the Society afterwards?

A. I left the Society.

Q. Of course, when there was that suspicion about the Society, you did not chuse to continue any longer?

A. I did not.

Q. Who were your Delegates to the Scotch Convention?

A. Mr. Margarot and Mr. Gerald.

Q. Were you in the Society, think you, before the 6th of August, 1792?

A. No; I was in the Society two years within a month.

Q. I hope you have seen the address of the 6th of August, 1792?

A. I have, maybe, but I cannot recollect it.

Q. You don't know any thing of the contents of it?

A. I do not; it is not in my memory now.

Q. You say you know nothing at all about this Sheffield letter?

A. No.

Q. Did you ever hear of a circular letter that was sent into Scotland to call a Convention?

A. Yes.

Q. Who carried it into Scotland?

A. I do not know.

Q. Do you know a person of the name of Stock?

A. I do not.

Q. Recollect yourself?

A. I do not upon my oath.

Q. How did the printed circular letter with the name of T. Hardy at the bottom of it, get there, upon your oath?

A. It was sent I presume.

Lord Chief Justice Eyre. How?

A. I

A. I do not know.

Mr. Attorney-General. How do you know that it was sent there?

A. I do not know.

Q. In point of fact, did you ever hear whether that circular letter went or not?

A. It might or might not.

Q. That is no answer, so might I; I might or might not, but in point of fact, did you ever hear whether that circular letter ever went?

A. It might or might not.

Lord Chief Justice Eyre. But the question is, have you heard it or not?

A. I might have heard it, but I cannot recollect the circumstance.

Lord Chief Justice Eyre. I have taken it down, that you heard of a circular letter which went into Scotland?

A. I heard it went down into Scotland.

Mr. Attorney General. Where did you hear that?

A. At the division.

Q. Did you hear any thing what this circular letter was about ---what were the contents of it?

A. To call a Convention; I cannot repeat any thing of it.

Q. You consider all the proceedings at the Globe Tavern on the 20th of January, and also the proceedings at Chalk Farm, as in your opinion, quite peaceable and Constitutional proceedings?

A. I thought so.

Q. That is your notion of the matter?

A. Yes.

Q. You sing some songs now and then in your Society, do not you?

A. Never in the Society.

Q. How came you never to sing them in the Society?

A. I know not.

Q. Is it done on purpose, or how happens that?

A. I know not, we were a very peaceable Society---songs were not in general introduced at all.

Q. I hope you don't mean to say that there were no songs sung at your dinner?

A. There were songs then.

Q. Did you never hear of a very good song, called "God save the Rights of Man."

A. I have heard of such a song.

Q. Perhaps you sung it sometimes yourself?

A. Never.

Q. Can you tell us what the contents of it are?

A. I cannot repeat a verse, or a line, or a syllable.

Q. Perhaps you could inform me if you were to see it?

A. I could read it if I saw it.

Q. Did you ever hear of a song that has this chorus---

"Plant, plant the tree, fair freedom's tree,

" 'Midst dangers, wounds and slaughter,

" Each Patriot's breast its soil shall be,

" And Tyrant's blood its water."

Do you recollect that song?

A. You know more of it than me---I have heard of such a song.

Q. You have heard this song sung, you say, "Plant, plant the tree?"

A. I cannot say, upon my recollection, that I ever have heard it.

Q. Then how came you to tell me you had heard something about "Plant, plant the tree?"

A. I have heard there were a number of songs; I do not know that I ever heard it sung, but I may.

Q. When I asked you, and I appeal to the Court and the Jury, if ever you heard a song, the chorus of which was "Plant, plant the tree"--you said yes?

A. I have heard there were such songs.

Q. Did not you tell me you had heard that particular song?

A. I beg your pardon, I did not tell you so.

Lord

Lord Chief Justice Eyre. You certainly said you had heard the song, "Plant, plant the tree."

A. I have heard there was such a song, but I never heard it.

Lord Chief Justice Eyre. You are quite at liberty to explain, but you did say that you had heard the song, "Plant, plant the tree?"

A. I have; but I have said I never heard the song in the Society, and there were a number of songs sung---there was a man that did attend the Society with songs, a pack of idle songs, and we would not suffer him to attend the place.

Mr. Attorney General. How many songs of Mr. Thelwall's have you ever seen, or had in your possession?

A. I have had them all, but I thought there was no harm in Mr. Thelwall's songs.

Q. Then you mean to swear you think there was no harm in Mr. Thelwall's songs?

A. I thought there was no harm in them when they were sold in public shops.

Q. Do you mean to swear that you thought there was no harm in Mr. Thelwall's songs?

A. Yes; I do not think there was in those that I saw---I do not know what songs he may have wrote.

Q. Be so good as tell us the names of some of Mr. Thelwall's songs, as you have all of them?

A. I do not know what all of them is.

Q. Tell us the name of some of them?

A. There was one very long one, I cannot recollect the title of it.

Q. You have all of Mr. Thelwall's songs, but you cannot tell the title of one of them?

A. I do not know how many songs he wrote, there were three of Mr. Thelwall's songs; I do not know what you mean by all.

Q. They were printed all upon one sheet of paper, I believe?

A. They were sold publicly.

Q. And dispersed all over the country, were they not?

A. I cannot tell; upon my oath I do not know that they were dispersed any where.

Q. Have you those songs in your possession?

A. I have.

Q. What were the titles of them?

A. I cannot recollect the titles.

Mr. Attorney General. Look at this paper, read a part of that song, and tell me whether that is one?

Goddard. Which song do you mean?

Mr. Attorney General. "God save the Rights of Man."

A. It might or might not, I cannot say.

Mr. Erskine. Is your Lordship's time to be consumed about this Gentleman's opinion upon a song?

Lord Chief Justice Eyre. If the song is proved to have been sung in the Society, then it is competent to ask whether that song is peaceable; but unless the song is proved to have been sung there——

Goddard. I never heard this song sung there.

Lord Chief Justice Eyre. He has said that all the proceedings there were peaceable and orderly; then if this song is proved to have been sung there, there certainly can be no impropriety in asking him whether, according to his judgment, that proceeding was peaceable and orderly, but it is not proved that it was sung there.

Mr. Erskine. But it is not proved that it was either sung or said there.

Mr. Attorney General. Look at that (*shewing a paper to the witness*) and tell me whether that was printed by order of the Corresponding Society, or not?

A. Not as I know of.

Q. Had you ever a paper of that sort in your hand?

A. Not as I can recollect, and I would recollect if I could; —as I told you, I never was in office, but I regularly attended.

Francis

Francis Dowling (sworn)

Examined by *Mr. Gibbs.*

Q. Were you a member of the Corresponding Society?

A. Yes.

Q. Of that Division of which Mr. Hardy was a member?

A. Yes.

Q. What was the object of the Society?

A. To obtain a Parliamentary Reform.

Q. In what part of Parliament?

A. In the House of Commons.

Q. Had you any other object but that?

A. No other.

Q. What did you mean with respect to the King, or the House of Lords?

A. We had no thoughts of them; a Reform in Parliament was all that we wanted.

Q. And you have said by Parliament, you meant the House of Commons?

A. The House of Commons.

Q. Did you entertain any other idea yourself but that of a Reform in the House of Commons?

A. No other.

Q. Had you any idea of opposing the Government by force?

A. No.

Q. Had you any intention of doing that?

A. None.

Q. Have you seen the prisoner at the bar, Mr. Hardy, often?

A. Yes.

Q. Did you ever find, from conversation with him, that he had any such intention?

A. Quite the contrary.

Q. What was his character—that of a peaceable, orderly man, or the contrary?

A. A peaceable, orderly, and a pious man.

Q. Were you one of the London Corresponding Society, when a Convention, as it is called, was talked of?

A. Yes.

A. Yes.

Q. What was your object in calling that Convention; what was it to do?

A. To appoint a number of Delegates to take the sense of different divisions, as to obtaining, by the best means, a Reform in the House of Commons.

Q. Was it any part of your intention that this Convention should proceed by force?

A. No; nor do I believe it was the intention of any man.

Francis Dowling,

Cross-examined by *Mr. Attorney-General.*

Q. How long have you been a member of this Society?

A. About two years and a half.

Q. What Division did you belong to?

A. No. 2.

Mr. Gibbs. Did Mr. Hardy ever produce at the Division, when you were there, a letter from Sheffield about pikes?

A. I never saw it in my life.

Lord Chief Justice Eyre. Nor heard of it?

A. Nor heard of it from him, nor any body else.

Mr. Attorney-General. When did you become a member of this Society?

A. It was in the commencement of it.

Q. Early in March 1792, or in February?

A. I cannot recollect; it was about that time.

Q. Did you dine at the Crown and Anchor-Tavern upon the second of May last?

Dowling. When Mr. Horne Tooke was in the chair?

Mr. Attorney-General. No, Citizen Wharton, I understand, was in the chair.

A. I did.

Q. Did you drink all the toasts given that day?

A. I do not recollect that I drank all the toasts.

Q. You remember the music there?

A. I do not recollect what it was.

Q. I hope you paid for your own ticket?

A. I did.

A. I did.

Q. Are you sure of that?

A. Yes.

Q. How much did you give for it?

A. Seven shillings and sixpence.

Q. Were you at Chalk-Farm on the 14th of April?

A. I was.

Q. Were you at the Globe-Tavern upon the 20th of January?

A. I do not know that I was at the Globe-Tavern; I cannot recollect positively.

Q. You saw, however, the proceedings at the Globe-Tavern, which were afterwards in print; you saw the resolutions that were entered into?

A. I have seen them.

Q. You approved of them?

A. I do not recollect what they were.

Q. If you had had any objections to them when you saw them, you would of course have stated them to your Society?

A. I cannot tell whether I had any objections to them or not.

Q. If you had, you would have stated them to your Society; you was a Delegate?

A. I was at one time.

Q. For how long?

A. About six months.

Q. Do not you recollect the time when?

A. It was about five or six months back.

Q. You are well acquainted with your friend Spence, in Holborn?

A. No.

Lord Chief Justice Eyre. When did you cease to be a Delegate?

A. About five or six months ago.

Mr. Attorney-General. You know nothing of Spence, who lives in Holborn?

A. I know the shop, I do not know the man personally.

Q. You have bought a good book there now and then?

A. I have bought pamphlets there.

Q. Were

Q. Were you ever there at exercising time?

A. I do not know what you mean.

Q. Do you know Franklow of Lambeth?

A. I have seen him.

Q. Did you know that there was any exercising there?

A. I have heard of it.

Q. Did you know that there was any exercising at Spence's?

A. I never knew it till I heard of it now.

Q. Do you know a man of the name of Edwards?

A. I have heard of him.

Q. When did you first see his pike?

A. I have heard of it.

Q. Did you never see his pike till he was taken up?

A. No.

Q. You have seen Hillier?

A. I never saw his pike.

Q. I asked you about Hillier?

A. I never saw Hillier.

Q. You had no Secret Committee in the London Corresponding Society, I hope, had you?

A. Not that I know of.

Q. Do you know of a Committee, sometimes called the Committee of Correspondence?

A. I have heard of such a thing.

Q. Who were the members of it?

A. I cannot take upon myself to know.

Q. Has your society a committee without knowing the members of it?

A. If there was one, it was voted by ballot; therefore I could not tell.

Q. You know Mr. Hodgson, perhaps, the hatter, in the Broadway, Westminster?

A. I do.

Q. Upon your oath, when the prisoner at the bar, and the other members of your Secret Committee, were taken up, was not there another Secret Committee, named by Mr. Hodgson?

A. I never knew of it.

Q. Do

Q. Do you know of it now?

A. No.

Q. Then you mean to swear that you do not know that there was such a committee?

A. Not appointed by Mr. Hodgson.

Q. Then was there a Secret Committee appointed by any body else?

Dowling. If I understand the question, it is whether there was a Secret Committee appointed after the apprehension of Mr. Hardy?

Mr. Attorney-General. Yes.

A. Then my answer is, I do not know.

Q. Have you never been in Academy-court, Chancery-lane?

A. No.

Q. Then if any Secret Committee met there, you know nothing about it?

A. I do not.

Q. Do you know Smith, of Portsmouth-street?

A. I do.

Q. Do you know one Burks?

A. Very little.

Q. Do you know a man of the name of Higgins?

A. No; I never saw him, nor never heard of him till I heard of his apprehension, if that is the man.

Q. Did you never hear of those, or any other persons, being a Secret Committee, to succeed the Secret Committee of the London Corresponding Society, that existed before those people were taken up?

A. No.

Q. Had you never heard that there was a Secret Committee before those people were taken up?

A. Yes; you said—a Committee of Correspondence.

Q. I did so—Did you never hear that Smith, Higgins, or some of those people, had been a Committee of Correspondence before those people were taken up?

A. No.

Q. You

Q. You have heard of a Committee of Correspondence before those people were taken up?

A. Yes.

Q. Who were they?

A. I cannot say.

Q. Was not it studiously kept a secret who they were?

A. No.

Q. Have not you heard the members of the Society complain, that they did not know who the members of the Secret Committee of Correspondence were?

A. No; I never heard that complaint.

Q. Recollect yourself?

A. I cannot recollect myself to my knowledge upon that business.

Q. You have said there was a Secret Committee, whose names you did not know; upon your oath, do you know the reason why their names were kept secret?

A. The reasons for it that I formed myself, are the only reasons I can possibly state.

Q. Those will not do; did you ever see in the Society, a paper, that the Ins complain of one thing, and the Outs of another, and therefore advise you to get arms?

A. I never heard of such a thing.

Q. Perhaps you never saw "La Guillotine; Or, George's Head in a Basket."

A. I never saw it.

Q. You never saw it?

A. Nor never heard of it till this moment.

Q. You say you never heard of this letter from Sheffield about pikes?

A. You asked me if ever I heard that letter read in the Society.

Q. Then you mean to say, you never heard that letter read in the Society; have you ever heard of its coming to London?

A. Never till I saw it in the Reports of the Secret Committee.

Q. It surprized you prodigiously, no doubt?

A. I do not know whether I was surprized at it, but I never heard of it till then.

Q. Did you ever see the Address of the 6th of August 1792?

A. I do not recollect any Address at that time: upon what occasion?

Q. An Address from the London Corresponding Society to the Nation, when they talked of petitioning Parliament no more?

A. I do not recollect the date; I might have seen the Address.

Q. Do you know Carter the bill-sticker?

A. I have seen him.

Q. Did he stick up any bill for you?

A. I have heard so.

Q. Then you knew it?

A. I do not know it; I never saw him with a bill, nor sticking a bill up.

Q. Do not you know the Society ordered it to be stuck up in the night?

A. I do not know that.

Q. Do not you know that there was a debate in your Society about paying the expences of this man's prosecution?

A. I heard about his receiving money.

Q. What was he to receive money for?

A. I supposed for the affair of the bills.

Q. Do you mean to say that sticking these bills up at night, and the proceedings, such as they were at Chalk-Farm, are peaceable and orderly proceedings?

A. I do not know that there is any thing criminal in sticking up a bill; that depends upon the contents of the bill; and as to the proceedings at Chalk Farm I do not know every word that was said there.

Q. You mean to say that the proceedings were orderly and peaceable?

A. The general conduct of the people was very orderly and peaceable.

Lord Chief Justice Eyre. Did you say you were at Chalk-Farm?

A. Yes.

Q. Were

Q. Were the resolutions there put to the question?

A. I believe they were.

Q. Did you vote for them?

A. There are only a few people, probably, who attend to the business; out of the great number that attend, it depends, probably, upon those who have abilities, and attend more to those things than a person of my capacity probably does.

Q. Did you vote for them?

A. I dare say I did among the rest.

Q. Do you vote for things without knowing what they are?

A. There is no man but what is fallable in that respect; I might have done so.

Q. Do not you see what difficulties you might bring yourself into; by concurring in things without knowing what they are; were you near enough to hear what they were?

A. I was at a considerable distance.

Q. How did you vote?

A. By holding up hands.

Q. Did you vote then upon the confidence you had in any body that was there; or what induced you to vote for a resolution you did not hear?

A. In consequence of seeing all the rest vote.

Alexander Wills (sworn)

Examined by *Mr. Gibbs.*

Q. Were you a Member of the London Corresponding Society?

A. Yes.

Q. How long were you a Member of it?

A. Between two and three years.

Q. Do you know Mr. Hardy?

A. Yes.

Q. What were the objects of the Society?

A. Parliamentary Reform.

Q. A Reform in what part of Parliament?

A. In the House of Commons.

Q. What were your intentions as to any other part of Parliament, as to the King, or the Lords?

A. Full of respect, and honour, and fidelity.

Q. Then your intention was only to work a Reformation in the House of Commons?

A. Solely.

Q. Had you any reason to think that any other Members of the Society intended any thing else?

A. Never.

Q. Was it the intention of any Member of the Society to bring this about by force?

A. Never to my knowledge.

Q. Would you have continued in the Society, if you had found they had any such intentions?

A. Not for a moment.

Q. Were you at the Society when the resolutions concerning a Convention passed?

A. No; I have not been at the Society for more than a year and a half.

Q. Was there any reason for your absenting yourself?

A. No; I had nothing upon my conscience to deter me from being a Member; but I had not an opportunity of being there from my avocations leading me another way.

Q. Was it merely from your avocations leading you another way?

A. Entirely so.

Q. How long have you known Mr. Hardy?

A. I have never had the pleasure of knowing him but from his making me a pair of boots, and seeing him as Secretary. He made me a pair of boots very excellent and cheap.

Q. Is he a good member of society from what you have heard?

A. I never heard but that he was.

Alexander Wills,

Cross-examined by *Mr. Bower.*

Q. What may your business, or profession, be?

A. A dancing master.

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Q. Were

Q. Were you a Member of the Constitutional Society?

A. Yes.

Q. You were a Member of both Societies?

A. Yes.

Q. When were you elected a Member of the Corresponding Society?

A. I imagine better than two years ago.

Q. How long have you belonged to the Constitutional Society?

A. Soon after I became a Member of the Corresponding Society;— I wished to be a Member of the Constitutional Society from a wish to hear clever men speak, not having it in my power to go to the House of Parliament, where I could have heard more clever men undoubtedly.

Q. You heard several men speak upon politics?

A. I have heard several very clever speeches.

Q. Were they clever speeches by clever men?

A. You must judge whether they were clever speeches.

Q. Did they strike you as clever speeches from clever men?

A. I heard one or two, I thought, clever speeches.

Q. You took up your idea of politics from them?

A. I took my rule of politics from public report, and from the debates in both Houses of Parliament.

Q. You did not go to these Societies to read the public papers, or to read the debates in both Houses of Parliament?

A. I had not time in general to read the public papers.

Q. Which way then did you get your information?

Wills. What information?

Mr. Bower. Upon politics—you said you went there not having an opportunity of attending both Houses of Parliament?

A. I did not say that; I said I went there to hear clever men speak.

Q. Upon what subject?

A. Upon any subjects.

Q. Were any subjects discussed that did not relate to politics?

A. I never heard one to my knowledge.

Q. Upon your oath, when you went there, did you expect to hear any discussion upon any subject but politics?

A. It

A. It was called the Constitutional Society.

Q. That is no answer to my question ; when you went there, you said, you went there because you had no opportunity of attending the Houses of Parliament, and went to hear clever men speak ; upon what subject did you go expecting to hear them speak ?

A. Upon Constitutional subjects.

Q. And those only ?

A. Those only.

Q. Was that the place where you took up your constitutional doctrine ?

A. Long before that.

Q. From the newspapers ?

A. Sometimes I have had the honour of being in the Honourable House of Commons to hear the debates.

Q. And you went to the Constitutional Society, not having opportunities to attend the House of Commons, to supply that defect ?

A. Not to supply that defect merely, but to hear different political subjects discussed.

Q. You had no other means of supplying the information ?

A. Not any that I thought better.

Q. Did you attend frequently ?

A. You may be better informed than I am.

Q. I know nothing.—I ask you ?

A. I never kept any minutes of my attendance there.

Q. Did you not, upon your oath, attend them weekly ?

A. When I could, I did ; and might for a month together when I could ; but I cannot be upon my oath to say, that I did attend them weekly ; I was happy to attend them weekly when I could.

Lord Chief Justice Eyre. You mean you attended them as often as you could ?

A. Yes.

Mr. Bower. Were you at all acquainted with the proceedings of the Society ?

A. Very little ; I never looked into their books.

Q. Then you did not know of any of their transactions which might bring some of them, or those they employed, into difficulties?

A. No.

Q. You never knew that any body was prosecuted for assisting them in their views?

A. Never.

Q. Did you never hear of one William Carter?

A. Never.

Q. Then, of course, you never heard that he was in confinement at all?

A. Stay, Mr. Counsel, give me leave to say, I was in company with a Mr. Carter, a musician, at the London Coffee-house.

Q. Do you recollect Carter, the bill sticker?

A. I am not, in a moment, to be told that I recollect such a man if I do not; I heard of such a man, that he was in prison; I never saw him in prison; for sticking up a posting bill.---You asked me if I knew such a man? I do not; I heard of him.

Q. You heard nothing more of him but that there was such a man?

A. I heard there was.

Q. That is all?—You never heard that there was a subscription entered into for him?

A. Yes; perhaps, I gave him a shilling, or half-a-crown, or a guinea, or five guineas, towards his relief, in confinement; but I do not know that I did to maintain him in his confinement; I did not recollect the name of Carter any more than I do your's.

Q. That is then what you now mean to swear distinctly, for I will not let you now go back?

A. I do not say I gave two guineas, or five, but I only say I subscribed something, perhaps, to the poor man's family.

Q. Did not you say two or five guineas?

A. I often give five guineas without knowing to whom I give it.

Q. Did you not, a minute ago, say you might have given a shilling, or half-a-crown, or a guinea, or five guineas, to this man, in confinement, for sticking up bills?

A. I

A. I did not say so, to the man for sticking up bills.

Q. Your gestures will not do?

A. Yo seem to wish to confuse me.

Q. I do not wish to confuse you;---the more distinct you give your answer the better; do you mean to say, upon your oath, that you did not recollect when you said, you might have given one, two, or five guineas to this man?

A. I did not mean to say, I had given one, two or five guineas, but I might have given half-a-crown.

Q. Did you give one, two, or five guineas?

A. I say, I did not; I might give a few shillings; I give shillings, as much as you do halfpence, to any poor man that wants it.

Q. Then, I understand, you now swear distinctly, you might give this man a shilling; but that you did not give him five guineas?

A. No.

Q. Upon your oath, you did not give this man two guineas, or five guineas?

A. No; I cannot recollect what I gave him.

Q. You never gave him a guinea, or five guineas?

A. Not to my recollection.

Q. Did you ever give him any thing?

A. I do not recollect; I often give to poor men and women in distress. I gave a hundred and fifty pounds to the British fishery, when I thought my country in distress.

Q. I ask you, whether you did, or not, subscribe any sum of money to the man who was in confinement, for sticking up bills for the Society, and on that account?

A. I gave, I believe, to the best of my recollection, something, but what I cannot tell.

Q. To whom did you give something?

A. That I do not know.

Q. Who asked you for it?

A. In some of the Societies, which, and where, I do not know.

Q. What Societies?

A. The Corresponding Societies.

Q. At the time you gave that, was a subscription put about for the relief of this man so in custody?

A. There must have been a mention of it; or I should not have known it; but I do not recollect in what manner.

Q. Did you attend one, or more of these Societies?

A. One.

Q. Which was that?

A. The London Corresponding Society.

Q. At which house?

A. At Proctor's, in Covent Garden.

Q. Was it there you subscribed?

A. No; it was, I believe, in Compton-street, if I recollect right; the last time I was at any of those Societies.

Q. Was Compton-street a place where the Delegates met, or a Division meeting?

A. Among the Divisions, I believe; I did not belong to any Delegate Society, but to the common meeting.

Q. Which Division of the Society did you belong to?

A. Proctor's, No. 2, Covent Garden; this was, I think, No. 31, Compton-street.

Q. Did you go there as a visitor?

A. I believe I must have been a member of that.

Q. You are now a member of the Covent Garden Division?

A. Yes.

Q. Then, whether you have been a member of that in Compton-street, you do not know?

A. It is the same thing; not a separate Society.

Q. The same Division?

A. A separate Division.

Q. My question is, whether you belonged to one, or two Divisions of this Society?

A. To more than one; I think to another; I think 37.

Q. Did you belong to more than two?

A. I am not sure of that; if I belonged to ten, I should own it with pleasure.

Q. When you were in the Society, did you know any thing of

of any Secret Committee; perhaps you never heard of any such thing?

A. I never did.

Q. Did you ever hear of the Committee of Correspondence?

A. Never. I have heard of it since, not in the Society; I have not been in the Society since such a thing has been mentioned.

Q. Of course you know nothing of any Secret Committee?

A. Never.

Q. If a Secret Committee had been mentioned, it would have been to you a matter of surprise?

A. I do not understand you; I never heard of a Secret Committee of the Society in my life.

Q. Did you ever hear of any letter that had been written by the prisoner?

A. Never.

Alexander Wills,

Re-examined by *Mr. Gibbs.*

Q. You had heard that there was a man in custody who was in distress?

A. I had.

Q. Did you, at that time, know the man's name?

A. I recollect it now; I did not, when the learned Judge spoke to me, recollect that there was such a man in being.

Q. Was he represented to you as an object in distress?

A. In real distress.

Q. And for that man so imprisoned, and so in distress, did you subscribe any money?

A. I did; but what sum I cannot tell; I cannot charge my memory whether it was a shilling, a guinea, or half-a-guinea.

Q. What was your reason for saying, just now, that you perhaps subscribed a guinea, or two guineas, or five guineas?

A. Because I would as soon give the one as the other, for a poor family, or individual, in distress.

Lord Chief Justice Eyre. You have brought yourself into a scrape, only for the sake of a flourish. When you are upon

your oath, if you would only speak plain English, you would be under no difficulty; there is a great difference between a shilling, and a guinea, and five guineas, therefore you should not have conveyed an idea that you did not know whether you gave one shilling, two shillings, one guinea, or five guineas. I would advise you, when you are upon your oath, never to speak by metaphor; you have brought yourself into difficulties; but I dare say you meant very right.

Mr. Attorney General. I beg you Lordship will ask him what he gave.

Lord Chief Justice Eyre. How much did you give, in plain English?

A. Perhaps a few shillings, perhaps half-a-crown.

Mr. Attorney General. Will your Lordship please to ask him if it was not a guinea.

Lord Chief Justice Eyre. Do you say it was not a guinea?

A. A few shillings, to the best of my knowledge.

Lord Chief Justice Eyre. Under, or about five shillings?

A. I suppose under.

Mr. Gibbs. I will now call a gentleman at the bar, who says he knows this witness perfectly well, and that he is a man of good character.

Lord Chief Justice Eyre. That is perfectly irregular. It was certainly absurd in the witness not to recollect that he was upon his oath, and to talk in that rhodomontade way. I dare say he meant to speak the truth.

Archibald Hunter (sworn)

Examined by *Mr. Gibbs.*

Q. Were you a member of either of those Societies?

A. Which Society do you mean?

Q. Either the Society for Constitutional Information, or the London Corresponding Society?

A. I was a member of the London Corresponding Society, for, I think, about twenty months.

Q. Do you know Mr. Hardy, the prisoner?

A. Yes: I do know him.

Q. What

Q. What Division were you of—were you of the same Division with Mr. Hardy?

A. Yes; I always understood Mr. Hardy belonged to the Second Division, and I belonged to the Second Division.

Q. What was the object of your Society?

A. To obtain a Parliamentary Reform.

Q. In which House of Parliament?

A. In the House of Commons most assuredly; I never understood any thing else.

Q. What were your intentions towards the King, or towards the House of Lords?

A. That they should remain as they are, certainly; I never understood any thing else.

Q. Was it the intention of any of the members of the Society, that you know, to bring about this Parliamentary Reform by force of arms?

A. No; there was never any thing of the kind agitated, that I know of.

Q. You know nothing of any such intention?

A. Most assuredly I do not; I never heard any thing like force of arms out of the Reports of the Secret Committee of the House of Commons; I have read them attentively; I never heard of any force of arms out of those Reports; I have heard it reported there.

Q. Was it the intention of any of the members of the Society, that you know, to make any attack upon the Government of the country?

A. No.

Q. It was not?

A. No.

Q. What character did Mr. Hardy bear?

A. The character of a peaceable, respectable, quiet man.

Q. Was that his general character?

A. For what I know of him; I can only speak within the time that I have entered into the Society.

Q. Is that the character he has borne ever since you have known him?

A. It

A. It is; and I have every reason to believe that he is that.

Q. While you were in the Society, did Mr. Hardy ever produce, at the Division, any letter from Sheffield, about pikes?

A. No; never.

Q. Did you ever know of his communicating any such letter, to any of the members of the Corresponding Society?

A. I do not know of any such thing.

Archibald Hunter,

Cross-examined by *Mr. Law.*

Q. You never heard of a letter from Sheffield about pikes?

A. I never did.

Q. Did you never read that letter?

A. I never was in office.

Q. You never have read it. You say you have read the Reports of the Secret Committee; have you never read it there?

A. I have read it there, but no where else.

Q. You continue a member of the Corresponding Society to this moment?

A. I do.

Q. Did you ever see a paper like that circulated? (*The paper about the Ins and the Outs.*)

A. I never have before now; I have heard of it, but I never saw it before.

Q. Who introduced you into the Society?

A. A relation of mine.

Q. Has he a name?

A. Yes; his name is Joseph Hunter; he lives in old Compton-street.

Q. Did you attend the meeting of the Society pretty constantly?

A. I cannot say that I did; I was frequently out of town, and did not attend very often; I did not attend very regularly.

Q. What is your business?

A. None at all; no business at all.

Q. May I take the liberty of asking how you get your livelihood?

A. I am

A. I am an independent man.

Q. You live upon your property?

A. Yes.

Q. In the funds, or mortgages, or what?

A. That is out of the question; sometimes my property is in my pocket, sometimes in land, sometimes in the Stocks, and sometimes in houses.

Q. Were you at Chalk Farm?

A. Yes.

Q. And at the Globe Tavern?

A. Yes.

Q. Were you at the dinner on the 2d of May—can you recollect whether you dined at the Crown and Anchor when Mr. Wharton was in the chair?

A. I do not recollect that I ever was present when Mr. Wharton was in the chair.

Q. I asked whether you were present on the 2d of May, at a dinner, at the Crown and Anchor, when Mr. Wharton was in the chair, you told me you was not?

A. Your question immediately following upon that, I concluded you meant I belonged also to the Constitutional Society.

Q. Was you or not there?

A. I do not recollect I was ever at any Society where Mr. Wharton was in the chair.

Q. Was you or not there on the 2d of May, without reference to who was in the chair?

A. If it was a meeting of the Corresponding Society, and you will tell me where it was, I will endeavour to recollect.

Lord Chief Justice Eyre. The enquiry is, as to a meeting at the Crown and Anchor, of the Constitutional Society?

A. I never was at any meeting of the Constitutional Society whatever.

Mr. Law. Did you ever dine, as a guest, with the Constitutional Society?

A. Never.

Q. Have you been at the Globe Tavern, and at Chalk Farm?

A. I have.

A. I have.

Q. Did you hear the resolutions which were come to at those meetings?

A. I did.

Q. You have said that the proceedings of the Corresponding Society were peaceable?

A. As far as I could collect them, they were so.

Q. You have said, you heard the resolutions carried at Chalk Farm—were they peaceable?

A. I have not said that I heard them.

Q. Did you hear them, or not; I understood you said you did hear them?

A. I heard them read, but I did not attend to them.

Q. Did you vote for them, or no?

A. I did not.

Q. How came it that you did not vote for them?

A. Merely from that inattention which pervades my whole conduct, perhaps.

Q. So you were there, and heard them, and they made no impression upon your conduct?

A. Not in the least.

Q. You have said you voted for them?

A. I did not vote for them.

Q. Did you vote against them?

A. I did not.

Q. You took no part in them?

A. I did not.

Q. Did you sup with your Division that night?

A. I did; what Division do you mean?

Q. You said you did; where did you sup?

A. There may be a mixture of Divisions.

Q. Where did you sup that night?

A. At No. 3; I think it is in Compton-street, Soho.

Q. Was Mr. Thelwall there?

A. He was.

Q. Do you recollect any songs being sung?

A. I do not recollect the purport of them.

Q. What

Q. What was you by business, when you condescended to follow any?

A. It is so long ago, I cannot recollect.

Q. You have followed business?

A. I was, I believe, a perfumer.

Q. And had you forgot what business you was; was not you a hair-dresser?

A. Yes.

Q. Had you forgot that circumstance, when I asked you just now?

A. I thought a perfumer was sufficient.

Q. But you said, it was so long ago since you were in business, that you did not know what business you followed; how long is it since you have done business as a hair-dresser?

A. I think it is, since I followed the business of a hair-dresser, about twelve years, to the best of my recollection; I am not quite sure.

Q. And how long since you followed the business of a perfumer?

A. At the same time.

Q. Did you cease to be both at the same time?

A. Yes.

Q. About twelve years ago?

A. I would not swear, upon my oath, to the time; but it is thereabouts.

Q. Then, having this perfect recollection that you have been a perfumer and a hair-dresser, about twelve years ago, how came you to tell me it was so long ago, you did not recollect what business you had carried on?

A. I did not say that.

Lord Chief Justice Eyre. What he said was, that it was so long ago since he carried on any business, he could not recollect what business he followed.

Alexander Frazer (sworn)

Examined by *Mr. Gibbs.*

Q. What business are you?

A. A tay-

A. A taylor.

Q. Are you a member of either the Constitutional or the London Corresponding Societies, or have you been?

A. I have been.

Q. Of which?

A. Of the Corresponding Society.

Q. How long have you been a member of it?

A. I fancy about ten months.

Q. When did you cease to be a member?

A. I believe, last April was twelvemonth.

Q. What was the object of the Society?

A. A Parliamentary Reform.

Q. In what part of Parliament—in the representation of the people?

A. Of members of Parliament.

Q. Of what House of Parliament?

A. The Commons House.

Q. What was your intent as to the King, or the House of Lords?

A. Nothing at all; never.

Q. Did you ever collect, from any of the members of the Society, that they had any other intent than that of a Reform in the House of Commons?

A. I never did, and never could.

Q. Did you ever collect, from any of them, that it was their intent to produce a Reform by violence?

A. Never; it could not be done by violence.

Q. But I want to know, whether any of the members, that you were acquainted with, had any intention to do it by violence?

A. By no means; I could have had no concern with them, if that had been their object.

Q. Had they any intention of attacking the Government of the country?

A. No.

Q. Do you know Mr. Hardy, the prisoner at the bar?

A. I do.

Q. What

Q. What is his character?

A. An unblemished character, I always thought so.

Q. Is that his general character?

A. I believe his moral character is really exemplary.

Alexander Fraser,

Cross-examined by *Mr. Garrow.*

Q. Have I taken you correctly, that you ceased to be a member in April, 1793?

A. I think it was in April.

Q. And since that, you have not been acquainted with the transactions of the Society?

A. No.

Mr. Garrow. Then I will not give you any trouble.

William Barclay, (sworn)

Examined by *Mr. Gibbs.*

Q. What are you?

A. A shoemaker.

Q. Where do you live?

A. In Duke-street, St. Martin's-lane.

Q. How long have you been a shoemaker?

A. Near thirty years.

Q. Do you know the prisoner at the bar?

A. Yes.

Q. How long have you known him?

A. About fifteen years.

Q. Was he ever connected with you at all?

A. Yes.

Q. In what manner?

A. He was servant to me for seven years.

Q. As journeyman?

A. He was foreman to me for seven years.

Q. How long ago did he cease to be a servant of yours?

A. About three years.

Q. Have you known him since that time?

A. Yes.

Q. During

Q. During the whole of this time, the seven years he lived with you, and the three years since, during which you have known him, what character has he borne?

A. A very good character.

Q. A good character for peace and order?

A. I never knew any thing else.

Q. Is he of a peaceable and orderly disposition, or the contrary?

A. I always understood he is as quiet a man as can be.

Q. Are you a member of the Constitutional Society, or the London Corresponding Society?

A. No.

Q. Have you ever been?

A. No.

The Rev. Thomas Oliver (sworn)

Examined by Mr. Gibbs.

Q. What are you?

A. A Dissenting Minister.

Q. Have you known Mr. Hardy, the prisoner?

A. I have known Mr. Hardy, the prisoner, about four years, between three and four years; I accidentally got acquainted with Mr. Hardy by stopping at a house during a shower of rain; I fell into his company, and at that time I found him very agreeable.

Q. I will not lead you into that sort of account of him; what I want to know of you is, you say you have known him between three and four years; what character has he borne during that time?

A. I will speak, if you will give me leave, a few words, very short.

Mr. Attorney General. I have no objection to what the gentleman pleases to say.

A. Finding Mr. Hardy very agreeable in conversation, and speaking like a very serious man, I enquired his address; he told me at No. 9, Piccadilly, and told me he should be glad to see me; I called on him there, and frequently, in my calls, we have talked

talked on religious subjects, and sometimes on political subjects; at one time Mr. Hardy shewed me a paper to which his name was affixed; some resolutions of the London Corresponding Society; I immediately asked him the intent, or ultimate end and design that this Society had in view, and he told me it was a Reform of Parliament, that is to say, of the House of Commons; upon peaceable and constitutional principles; he further added upon the same principles which his Grace the Duke of Richmond and the Right Hon. William Pitt were engaged in, in the year 1782. I have frequently, in conversation, enquired of him, and tried, to suck out, to gain what was the intent of the Society, when I heard something about these Reports of the Committee of the House of Commons, and so on, and he told me by all means it was to obtain a Parliamentary Reform upon constitutional principles, in a peaceable manner.

Lord Chief Justice Eyre. Since the report?

A. Yes.

Q. Where did you see him?

A. At his own house.

Lord Chief Justice Eyre. Since the report?

A. Yes; since the report.

Lord Chief Justice Eyre. Recollect yourself?

A. I saw Mr. Hardy at his own house, it was in the summer; I believe it was since the Report of the House of Commons; I am not clear when that Report was made exactly to the date, nor will I undertake to swear.

Lord Chief Justice Eyre. Therefore I stopt you, that you might recollect yourself.

Mr. Gibbs. State as near as you can the time?

A. I think it was some time about the beginning of June; or in May, I am not sure; but I was in the habit of calling upon him as a neighbour when I have gone past.

Q. Do you remember the time he was taken up?

A. I do not remember the date of it; I remember to have called at Mr. Hardy's; and then I was informed by his wife that he was taken up; she was in a great deal of trouble, and very ill; she was frightened upon the occasion.

Q. She is dead since?

A. Yes; and she told me but a few days—

Q. You must not say what she told you—you are not sure what the time was when you had this conversation?

A. I believe in the month of May, to the best of my recollection.

Q. Are you a member of either of these Societies?

A. I never was in my life a member of any political Society whatever.

Q. During the time that you have known him, what has been his character, I mean as a peaceable man, or the contrary?

A. I conceived from my first acquaintance with him, that he was a man of few words, and of a very humble, peaceable disposition, and I have never had any occasion to alter that opinion. I believe him to be a man of an honest disposition, and added to that, if I can judge from a man's conversation, I believe he is one that fears God and honours the King.

Q. You have collected this from your conversation with him?

A. I have from knowing him, and the general tenor of his conduct.

Q. Have you seen him often?

A. I have.

Q. You told me you had taken pains to draw from him what his opinions were?

A. I have when I first became acquainted with him, and after that, I believe I may say with some degree of confidence, that I was in his confidence as a friend; I believe he looked upon me as a friend.

The Rev. Thomas Oliver,

Cross-examined by Mr. Attorney General.

Q. You did not belong to any of these Societies?

A. I did not.

Q. Did you ever see a paper published as the proceedings at Chalk Farm, with Mr. Hardy's name to it?

A. I never did.

Q. Did

Q. Did you ever see a paper published as the proceedings on the 20th of January, 1794, with Mr. Hardy's name to it?

A. I cannot charge my memory that I ever saw it, I do not recollect the contents of it; I trouble my head very little about politics.

Q. Look at that paper? (*shewing it to the witness.*)

A. I do not recollect that I ever saw the fellow to this paper, or this paper before.

Q. Did you know that Mr. Hardy was a member of a Society that had published resolutions in support of Mr. Thomas Paine's Rights of Man?

A. No; I did not.

Q. Then I need not ask you, I take for granted, whether publishing those resolutions in favour of Paine's Rights of Man, shews the sort of man that you would suppose honours the King? what is your answer to that?

A. I do not know, nor never did know, that Mr. Hardy did favour those resolutions, or that he published any thing of the kind. As I was going to observe, I have but very little time to meddle with those matters; when I can call upon any person that is afflicted, or any poor person, or any one to do them any good, I am always ready to do it; but I have four sermons to preach in a week, and as I make them myself, I have very little spare time.

Q. Did you ever see the book, called Paine's Rights of Man?

A. I have seen it, but never read it through.

Q. Do you know that Mr. Paine was a member of the Constitutional Society?

A. I do not know any such thing.

Q. Do you happen to know Mr. Bogue, a Dissenting Minister?

A. I have heard of such a name, but I do not know the Gentleman.

Q. Do you happen to know whether he had any correspondence with Mr. Hardy?

A. Once upon a time, I think, Mr. Hardy mentioned his

name, but I do not know that he said he had a correspondence with him.

Q. Did he inform you whether Mr. Bogue had given him any advice about the papers?

A. Never such a thing was ever mentioned to me by Mr. Hardy.

Q. What did he say to you about Mr. Bogue, the Dissenting Minister at Portsmouth?

A. I think Mr. Hardy asked me if I knew such a Gentleman, and that he was a worthy good man, or to that purpose.

Q. Did he explain to you at all how he came to know any thing of Mr. Bogue of Portsmouth?

A. By no means in the world.

Q. So that you visited Mr. Hardy, he informed you he knew Mr. Bogue, a Dissenting Minister at Portsmouth, and you had not the curiosity to enquire what Mr. Hardy in London, had to do with Mr. Bogue, a Dissenting Minister at Portsmouth?

A. No.

Q. Upon your oath, did Mr. Hardy ever tell you that he had or not been down at Portsmouth to visit any convicts on board a ship at Portsmouth?

A. No.

Q. Nor that he had seen Mr. Bogue upon that occasion?

A. No, nor any other.

Q. You know nothing of Mr. Hardy's sentiments about Paine's works?

A. The chief I know of him has been his conversation touching the best things; sometimes he has spoken of politics and Parliamentary Reform, and that he was a well-wisher to it.

Q. You said you had read Paine's work?

A. Part of it.

Q. Have you ever read any thing about honouring the King in it?

A. No.

Q. I think you said you were much in Mr. Hardy's confidence?

A. I

A. I do not know how much, but as a Minister may call upon him; it is reasonable to expect they will put confidence in men of our description, when men of character and probity.

Q. Then he never told you any thing about the proceedings of the London Corresponding Society, either at Chalk Farm or any of those other places?

A. He did not; I only came to speak as to what I know about Mr. Hardy's character.

Mr. Daniel Stuart (sworn)

Examined by Mr. Gibbs.

Q. I believe you are Secretary to the Society of the Friends of the People?

A. I have acted as Secretary to the Committee of that Society.

Q. Meeting in Frith-street?

A. Yes.

Q. Have you ever happened to see Mr. Hardy the prisoner?

A. Very frequently.

Q. Upon what occasions have you seen him?

A. I have seen him many years ago, but never had occasion to speak to him till within something less than two years; about December, 1792.

Q. Upon what occasion did you see him then?

A. The London Corresponding Society sent a letter to the Society of the Friends of the People; when the letter was answered I carried the answer myself to Mr. Hardy's house in Piccadilly, and delivered it to him, and from that time in passing Piccadilly frequently, I have called in at his shop, merely to converse with him, and to know what news there was.

Q. Had you any conversations with him relative to the London Corresponding Society?

A. Very frequently.

Q. What did he tell you the object of that Society was?

A. He always told me the sole object of the Society was a reform in the representation in the House of Commons.

Q. Did he ever converse with you upon the way in which he wished that reform to be brought about?

Mr. Attorney General. That is not a proper question.

Mr. Gibbs. I ask this in order to sift the mind of the prisoner; the crime imputed to the prisoner is an act of the mind; this case is an anomalous one—the compassing in his own mind the King's death; I am asking as to the conversations he has had upon the subject, in order to find what were his intentions, what the state of his mind was upon that subject.

Lord Chief Justice Eyre. What the tenor of his conversation was, is, I suppose, your object.

Mr. Attorney General. I cannot say I think it worth disputing.

Mr. Gibbs. What were the means by which you understood from him that the London Corresponding Society wished to bring about this end?

A. I always understood from him, that he thought the best means were to inform the people of the bad state of the representation, and so to gain a number of members to the Society, that they might get a great number of signatures to a petition to Parliament, by which means a reform might be obtained.

Q. Did you see him at any time after this?

A. Since that time, till the time that he was taken up, I was in the habit of calling on him perhaps once, twice, or more times in a week; it was very uncertain, principally from curiosity I used to call at his house, and have conversation with him generally about his Society, and the other Societies that his Society were in correspondence with, about what they were doing respecting a reform in Parliament; that always made the basis of our conversation.

Q. Did it appear to you, that he reposed confidence in you?

A. I have not a doubt he did; we talked very freely about a reform and the best means of producing it, and in one point he and I never could agree; he said the Duke of Richmond's plan would be the plan at last—I said I did not think it was the best plan; that was the only point we disagreed upon.

Q. Had

Q. Had you any conversation with him concerning this Convention that was talked about?

Mr. Attorney General. This Convention that was talked about—not having said one word about a Convention.

Mr. Gibbs. There may be a little irregularity in putting the question, I only want to bring him to the time.

Lord Chief Justice Eyre. You ought to enquire to be sure, first of all, whether he knows any thing of a proposed Convention, and whether he had any opportunity of knowing what the prisoner's sentiments were respecting that Convention.

Mr. Gibbs. Had you ever any conversation with him?——

Mr. Stuart. There is one thing in particular I think it my duty to mention with regard to whether he was likely to confide in me, or tell me his mind——

Lord Chief Justice Eyre. You have said you thought he did put confidence in you?

A. There was one particular occasion——

Lord Chief Justice Eyre. I do not want to know the private history between you and him; if you say you think he put confidence in you, it is very well.

Mr. Gibbs. Had you ever any conversation with him about any Convention?

A. I do not exactly remember that I had; but I have no doubt that I had.

Q. During the time you have known him, what character has he borne?

A. From others, and from my own observation, I have always thought him a very simple man in his manners; of a very inoffensive, peaceable conduct, and the last man I should have thought that would have been guilty of any violent conduct.

Q. Have you had any opportunity of collecting from him whether it was his object to bring this about by peaceable means, or otherwise?

A. I have always heard him say he wished it to be brought about by peaceable means; I never heard him mention violent means in my life—quite the reverse.

Mr. Daniel Stuart,

Cross-examined by Mr. Attorney General.

Q. You are Secretary to a Society calling themselves the Friends of the People?

A. Secretary to the Committee of the Society; I never was appointed Secretary to the Society.

Q. You know there is a Society in London called the Society for Constitutional Information?

A. Yes; I know there is.

Q. It may possibly have occurred to you, as Secretary to the Society of the Friends of the People, to know that the latter Society rejected all correspondence with the former?

A. Yes; I know that.

Q. Did you happen to know that the prisoner at the bar was an associated member of that Society?

A. I never heard that he was; I never knew of my own knowledge who were members of either the London Corresponding Society, or the Society for Constitutional Information.

Q. Then you being Secretary to the Committee of the Society of the Friends of the People, and the Society of the Friends of the People having rejected all correspondence with the Society for Constitutional Information, you did not know that the prisoner was an associated member of the Society for Constitutional Information?

A. I never knew it in my life.

Q. Do you remember a letter being written by your Society to the Society for Constitutional Information, from Lord John Russell?

A. Yes.

Q. Do you remember any correspondence between your Society, the Friends of the People, and a Society at Sheffield?

A. Yes; I do.

Q. Do you recollect whether that was in the month of May, 1792, or not?

A. Yes; I think the first letter received from Sheffield was in the month of May, 1792.

Q. Do

Q. Do you happen to know, that the Society at Sheffield, in the month of May, 1792, wrote a letter to the Constitutional Society, whose correspondence your Society had rejected, saying, they would have nothing more to do with the Friends of the People, because they were not pursuing the principles of the Rights of Man?

A. I know nothing of that at all.

Q. Do you recollect what were the reasons why the Society of the Friends of the People would have nothing more to do with the Society for Constitutional Information?

A. I believe the reasons are assigned in the letter that was sent in answer.

Q. With reference to their having recommended Mr. Paine's great plans of Reform?

A. Yes; I believe that is in the answer.

Q. Do you happen to know, that the London Corresponding Society have been going upon the same plans of Reform?

A. I cannot exactly say that I did.

Q. Did you ever see the London Corresponding Society's Address of the 6th of August, 1792?

A. I cannot say I ever saw it.

Q. Did you ever see an Address of the London Corresponding Society of the 20th of January, 1794?

A. I have.

Q. Have you seen the London Corresponding Society's resolutions at Chalk-Farm?

A. Yes; I have.

Q. They wrote to your Society about a Convention, I believe?

A. They did.

Q. You rejected that?

A. The Society declined it.

Q. I believe your Society had some correspondence with the London Corresponding Society; during all these proceedings, do you recollect any application they made to you to know the principles of your Society?

A. I think there was a letter, not exactly to know the principles of the Society, but to know the plan they meant to adopt.

Q. Did

Q. Did your Society inform them what length they meant to go to at that time?

A. I believe they declined to inform them.

Q. Do I understand you right, that you never heard of the prisoner's being an associated member of the Constitutional Society, whose correspondence your Society had rejected; that you knew nothing of the Address of the London Corresponding Society of the 6th of August, 1792; that you knew nothing except what you have learned now of the proceedings of the 20th of January, 1794, and of the proceedings at Chalk-Farm?

A. Nothing more.

Q. Look at this printed paper (*showing it to the witness*): Is this an account of the proceedings of your Society?

A. This seems an authentic copy of the proceedings of the Society I belong to.

Q. As you were Secretary to the Society, you can inform me whether the gentlemen, whose names appear here, are all members of the Society of the Friends of the People?

A. I believe not all of them; some have withdrawn, and some new members have been added to this Society, since that list was made.

Q. You are aware of the fact, supposing it to be a fact, that after the Society of the Friends of the People had rejected correspondence with the Constitutional Society, by their letter, that some individuals still remained members of both Societies?

A. Yes; I do not exactly know further than from report, who were members of the Constitutional Society, but from the evidence I certainly believe that there were gentlemen who were members of both.

Mr. Daniel Stuart,

Re-examined by *Mr. Gibbs.*

Q. What objections did the Friends of the People take to that letter which was sent to them?

A. I really cannot say what objections; at the time that letter was sent, it was in the beginning of the Society, and at that time I was never present at the meetings of the Society, or the Committee,

mittee, and cannot form any opinion of any other objections than what are stated in the letter.

John Carr (called),

(*This witness was sworn, according to the form used in the Church of Scotland, holding up the right hand, repeating these following words :*)

" I, John Carr, do swear by God, and as I shall answer to God,
" at the great Day of Judgment, that I will speak the truth,
" the whole truth, and nothing but the truth; To help me
" God."

Examined by *Mr. Gibbs*.

Q. Are you a member of either of these Societies?

A. I am not.

Q. How long have you known Mr. Hardy?

A. Upwards of twenty years.

Q. Have you known him well during that time?

A. Yes.

Q. What character has he borne during that time?

A. The character of a sober, peaceable, honest, worthy man.

Q. From what you know of his character, is he a man at all likely to raise any disturbance, or commit any acts of violence?

A. Never.

Mr. Attorney-General. That is a question never put.

Mr. Gibbs. It is a question I never heard any objection to.

Lord Chief Justice Eyre. I have often heard it put, and often heard it objected to; it is certainly not a strictly regular question; you are to ask his general character, and from thence the Jury are to conclude, whether a man of such a character would commit such an offence; at the same time, in justice to the question, I must say I have known it asked a hundred times; I have very often myself objected to it.

Mr. Garrow. If it had not been for the observation that it never was objected to, it would not have been objected to.

John Stevenson (sworn)

Examined by *Mr. Gibbs*.

Q. What are you?

A. A coal-

A. A coal-merchant.

Q. How long have you known Mr. Hardy?

A. About eight or nine years, as near as I can recollect.

Q. Are you a member of either of these Societies?

A. I never was.

Q. What character has Mr. Hardy borne, during the eight or nine years you have known him?

A. I have always esteemed him as a man of a mild, peaceable disposition.

Q. Have you known him well during that time?

A. Yes; during seven years of that period he was with Mr. Barclay, who makes shoes and boots for me, and I had occasion to see him frequently in his master's business; he always behaved with great uprightness as far as I had occasion to observe him, and I always esteemed him a man of a peaceable, mild disposition, and, as to moral character, I know no man that goes beyond him.

Q. Has that been his general character?

A. It has been as far as I ever knew, I never heard any thing to the contrary.

Alexander Gregg (sworn)

Examined by *Mr. Gibbs.*

Q. What are you?

A. A bookbinder.

Q. How long have you known Mr. Hardy, the prisoner?

A. Seven years, last May.

Q. Have you lived in the same house with him at any time?

A. No, never.

Q. Have you known him intimately?

A. Yes.

Q. What has been his character during those seven years that you have known him?

A. Always a very sober, industrious, rather a religious man than otherwise.

Q. Has he been a peaceable, orderly man?

A. As far as ever I saw,

Q. Have you known him well during this time?

A. Yes; as a neighbour, constantly.

Q. Is this his general character?

A. It is, as far as I ever heard.

Mr. Attorney General. Were you a member of the Corresponding Society?

A. I never entered the threshold of the door of any of the Societies.

William Henderson, (sworn) by holding up the right hand,

Examined by Mr. Gibbs.

Q. What are you?

A. A dealer in eggs.

Q. How long have you known Mr. Hardy?

A. Near about twenty years.

Q. Have you known him well during that time?

A. Perfectly well; I have been intimately acquainted with him for twelve years.

Q. What character has he borne during those twelve years?

A. An universally good character, for any thing I ever heard of him; a sober, honest, sedate, religious, good man.

Q. Is he of a peaceable disposition?

A. I never knew to the contrary.

Q. Are you a member of either of the Societies?

A. No.

The Rev. James Stevens, (called)

This witness was sworn, holding up the right hand, repeating these following words:

"I swear, in the name of God, as I shall answer to God, in
"the Day of Judgment, that, in this case, I shall tell the
"truth, the whole truth, and nothing but the truth."

Examined by Mr. Gibbs.

Q. You are a Minister, I understand?

A. I am.

Q. Now long have you known Mr. Hardy, the prisoner at the bar?

A. Ever

A. Ever since I came to London ; seven years.

Q. Have you known him well, during that time ?

A. Pretty intimately.

Q. Has he attended your congregation ?

A. Regularly ; he was a member of the congregation before I came to it, and has continued so ever since.

Q. During the time you have known him, what character has he borne ?

A. A very respectable character.

Q. In all respects ?

A. So far as I was connected with him, as a member of a religious society.

Q. As far as you know him, he has deserved that character ?

A. Yes.

Q. What is his general character ?

A. His general character, in our congregation, is much to his honour, as to his moral conduct, and as being a peaceable member of a Christian Society ; and he is believed, by all in that Society, to be a man of conscience, both towards God and man.

Mr. Attorney General. You are not a member of the Corresponding Society, I believe ?

A. I never was a member of any political Society.

Peter Macbean, (sworn) by holding up the right hand,

Examined by Mr. Gibbs.

Q. How long have you known the prisoner at the bar, Mr. Hardy ?

A. I have known him these seventeen years.

Q. What are you ?

A. I am a shoemaker.

Q. During these seventeen years have you known him well ?

A. Very well ; I have been very intimate with him.

Q. During that time what character has he borne ?

A. A very amiable character indeed, both civil and religious.

Q. Do you speak from your knowledge of him ?

A. From my own knowledge.

Q. What

Q. What is his general character?

A. A peaceable, quiet, well disposed man.

Q. Are you a member of either the Constitutional or the London Corresponding Societies?

A. No.

Peter Macbean,

Cross-examined by *Mr. Attorney General.*

Q. How long have you ceased to be a member?

A. I have ceased to be a member these two years, I believe; through an indisposition I was laid up with the gout, which confined me six months.

Q. What Division did you use to attend?

A. When I did attend, I attended the Division No. 8.

Q. Where did that meet?

A. At the Blue Posts, in the Haymarket.

Q. Did you ever attend any other Division?

A. I attended, but not regularly; I attended in Mr. Hardy's Division, No. 2.

Q. Where was that?

A. Procter's, in Covent Garden; I was there only once.

Q. Do you remember coming to any resolution about Paine's Rights of Man?

A. No; not any.

Q. When did you cease to be a member of the Society?

A. About two years ago; I cannot recollect the month.

Q. Do you remember your Society writing to the Society for Constitutional Information, to desire you might have some members associated with them?

A. Perhaps I might.

Q. Do you remember your Society subscribing to Mr. Paine?

A. No; my Division never did.

Q. So then you do not recollect any thing about the Society having any thing to do with Mr. Paine's Rights of Man?

A. Not in the least; that was at the end of our meeting.

Q. Did you ever meet in Exeter-street?

A. Yes.

Q. Who

Q. Who was your Delegate there?

A. We had no Delegate there.

Q. Was not that a meeting of Delegates at the Bell, in Exeter-street, at the beginning of the Society?

A. No; we divided from the Bell.

Q. Before you divided from the Bell, who was your Delegate from that Division?

A. We had no Delegates at all; we were no ways formed.

Q. You belonged to it at the very first?

A. Yes.

Q. Who was your chairman at the first meeting?

A. I am not sure; I cannot recollect whether it was Margarot, or whether it was somebody else; I really cannot possibly say.

Q. You knew Margarot very well.

A. Yes.

Q. He was a man of a very peaceable, civil disposition?

A. He was, so far as ever I knew; I had very little acquaintance with Mr. Margarot.

Q. Do you recollect who were the other members, at the first meeting at the Bell—was Mr. Hardy one of them?

A. Yes.

Q. Do you recollect any other person who was one of the first members of the London Corresponding Society?

A. Yes; there was one of the name of Black, and several others.

Q. Give me another name?

A. And Mr. Gow; he is dead, and gone.

Q. Do you recollect any body else?

A. I cannot recollect any more.

Q. How many were you altogether—what was the number that met at first, at the Bell, in Exeter-street?

A. Sometimes there were more, sometimes less.

Q. But what was the greatest number that ever met there?

A. There might be thirty, or forty, or more.

Q. Do you mean to swear that you do not remember any more than thirty or forty?

Lord

Lord Chief Justice Eyre. How many met the first time?

A. The first time I was not there.

Mr. Attorney General. The first time you was there; how many were they, to the best of your recollection?

A. There might be possibly, twenty.

Q. You are sure Margarot was one of them; you are clear about that?

A. I think so; I could not be positive.

Q. You are sworn to speak the whole truth; I desire to know the names of all of them that you recollect?

A. There was a Mr. Merry, I recollect.

Q. Who else?

A. A Mr. Dowling.

Q. Had you no Clergymen among you?

A. Not any, that I know of.

Q. Had you any physicians among you?

A. I cannot say we had.

Q. Any gentleman of any other profession among you?

A. I do not know that we had.

Q. Upon your oath, can you recollect nobody else, but those you have named?

A. I cannot.

Q. How many Divisions were there of the Society, at the time you left them?

A. I could not, positively, say any thing, as to how many there were.

Q. Were there two or three, according to your knowledge?

A. O, there must be more than that.

Q. What was the number of the Society, at the time you left it, taking in all the Divisions that belonged to it?

A. I cannot say any thing to that.

Q. As you belonged to the Society originally, who drew up your original code of laws?

A. I believe Mr. Margarot was the principal man.

Q. Was any body else employed along with Mr. Margarot to do it?

A. Possibly there might be; I do not recollect who was.

Q. Upon your oath, do not you recollect who it was that was to draw up you original laws?

A. No; I cannot recollect.

Q. Did you ever visit any body in the neighbourhood of London about it?

A. No; I never did.

Q. Do you mean to swear that?

A. I never visited any body upon that account in the world.

Q. So then you mean to swear that you do not recollect the name of any body else, that met at the Bell, in Exeter-street; nor any body else that drew up the code, except Margarot?

A. I am very certain there were other persons concerned in it, but I do not recollect their names.

Q. Do you know Mr. Martin?

A. Yes.

Q. Do you believe he was one?

A. I believe he was not.

Q. Was Mr. Richter one?

A. I do not know Mr. Richter.

Alexander Gordon, (sworn)

Examined by Mr. Gibbs.

Q. What business are you?

A. A shoemaker.

Q. Where do you live?

A. In Union-street, Bishopsgate-street.

Q. How long have you known the prisoner, Hardy?

A. Above twenty years.

Q. Have you known him well during that time?

A. Yes.

Q. What character has he borne during that time?

A. A sober, honest, industrious, and peaceable man.

Q. Is that his general character?

A. I never knew him to be otherwise.

Q. Are you a Member of either of the Societies?

A. I Never was.

Alex

*Alexander Gordon,*Cross-examined by *Mr. Attorney General.*

Q. Were do you live ?

A. In Union-street ; in the City.

Q. You do not live in Aldersgate-street, No. 91 ?

A. No.

Q. Do you know any body of your name that lives there ?

A. I do not.

*John Bogue, (called)**This witness was sworn, holding up the right hand, repeating the following words :*

" I do swear, in the presence of Almighty God, and as I shall
 " answer to God at the great day of judgment, that the evi-
 " dence I shall give to the Court and Jury, between our So-
 " vereign Lord the King, and the prisoner at the Bar, shall be
 " the truth, the whole truth, and nothing but the truth."

Examined by *Mr. Gibbs.*

Q. What are you ?

A. A carpenter and cabinet-maker.

Q. Where do you live ?

A. In King-street, Golden-square.

Q. How long have you known Mr. Hardy ?

A. Ten years.

Q. Have you known him well since that time ?

A. Yes ; I have known him to be an industrious, an honest,
 and a Christian man, I believe.

Q. What is his general character ?

A. What I have said.

Q. Has he the character of a peaceable man ?

A. Very much so, from every body I have heard speak of
 him ; when I have done business for him I have always found him
 peaceable and punctual to his word.

Q. Do you speak from your own knowledge of him ?

A. Yes, and his general character.

A a 2

John

*John Bogue,*Cross-examined by *Mr. Attorney General.*

Q. Do you belong to the London Corresponding Society?

A. I did once.

Q. When?

A. Near two years ago.

Q. Did you belong to it when it was first formed in Exeter-street?

A. No.

Q. What was your division?

A. No. 5.

Q. You have ceased to belong to the Society for two years?

A. For near two years.

Q. Do you know any thing of the proceedings of the Society for the last two years?

A. Very little that I can recollect.

*Matthew Dickey (sworn)*Examined by *Mr. Gibbs.*

Q. What business are you?

A. A Scotch factor.

Mr. Attorney General. Is the common way your way of taking the oath?

A. I have taken it that way before, it is the way I have taken it since I came into this country.

Q. Do you feel the obligation of an oath taken in that way?

A. Yes I do; I am perfectly satisfied with it this way.

Mr. Gibbs. How long have you known the prisoner?

A. Upwards of five years.

Q. Have you known him well during that time?

A. Yes; I have done business with him.

Q. What character has he borne during that time?

A. A strictly honest character, an upright peaceable man, as any in the world; I have had occasion to call upon him often.

Q. Have you known him well?

A. Perfectly well.

Q. What is his general character?

A. A very peaceable man, a strictly honest man, particularly so.

Q. Has

Q. Has he ever talked with you upon what the object was of the London Corresponding Society at all?

A. He may have mentioned it, but our conversation was entirely upon business.

Q. You have not had any conversation with him on the subject?

A. He might have mentioned it, but not particularly.

Mr. Attorney-General. You are not a Member of the London Corresponding Society?

A. No, I never was.

James Hardy (sworn)

Examined by *Mr. Gibbs.*

Q. What business are you?

A. A grocer.

Q. I believe, you are not a relation to Mr. Hardy, the prisoner?

A. No.

Q. Where do you live?

A. In Smithfield.

Q. How long have you known the prisoner?

A. Ever since the year 1779, or 1780.

Q. Have you known him well?

A. I know him by being a neighbour of his.

Q. From the year 1780, to the present time, what character has he borne?

A. I never heard any but the best of characters, a quiet peaceable disposition.

Q. Has that been his general character?

A. From what I know of him it has.

Q. And from what you have heard of him?

A. And from what I have heard of him.

Mr. Attorney General. Were you a Member of any of those Societies?

A. Never.

It being now Twenty Minutes past Twelve o'Clock, on Sunday Morning, the Court adjourned to Eight o'Clock, on Monday Morning.

SESSION HOUSE IN THE OLD BAILEY,

Monday, November the 3d, 1794

PRESENT,

Lord Chief Justice EYRE;
 Lord Chief Baron MACDONALD;
 Mr. Baron HOTHAM;
 Mr. Justice BULLER;
 Mr. Justice GROSE;
 And others, his Majesty's Justices, &c,

Thomas Hardy set to the bar.

Mr. Erskine. My Lord, I would now state a fact, which probably the Attorney General will admit.---Your Lordship, and the Jury, will recollect, that in the course of the evidence, a letter was proved to have been written by one Davison, at Sheffield, to the prisoner at the Bar, Mr. Hardy, enclosing a letter, (which letter was also read to the Jury,) which was requested to have been forwarded by the prisoner to Norwich, for purposes similar to that for which Davison is supposed to have sent it; I wish to prove, by a gentleman now in my eye, if the fact is not admitted, that that letter was found in Mr. Hardy's possession unopened.

Lord Chief Justice Eyre. The material observation arising upon it is that it was unsent, because he had no business to open it.

Mr. Erskine. It is a strong circumstance that it remained unopened and unsent, for such a length of time.

Lord Chief Justice Eyre. Its being unsent is, I think, a strong circumstance indeed, but its being unopened I do not think amounts to much.

*John King, Esq; (sworn)*Examined by *Mr. Erskine.*

Q. Did you find the letter in the possession of the prisoner, when he was taken into custody, which has been given in evidence, in an enclosure?

A. No

A. No; I did not find any of the letters, they were all taken away by the people who came.

Q. Did you see them?

A. I saw them.

Q. Was the enclosure of the letter, that was directed to Norwich, open or not?

A. I cannot exactly speak as to that fact; but I remember the messenger, while he was marking the paper, said, " here is a " letter unopened," I suppose that to be the letter.

Q. Who was that person?

A. I think it was Gurnell.

Q. You recollect the messengers taking notice that there was a letter then unopened?

A. Yes; which I understood to be a letter, enclosed in another letter. I said, " open that letter and mark it the same as the " rest."

David Martin (sworn)

Examined by Mr. Erskine.

Q. What is your trade?

A. An engraver.

Q. Where is your place of residence?

A. At Sheffield.

Q. How long have you been an inhabitant of Sheffield?

A. About twelve years.

Q. Have you carried on trade during that time?

A. I have.

Q. Was you a Member of the Sheffield Society?

A. I was.

Q. When did you become so?

A. Within about three months from the time of its commencement.

Q. Up to what time did you continue a Member?

A. Till the time that Mr. Camage, and other persons, were taken up; that is, I have not attended at the Society since.

Q. What was your object in being a Member of that Society?

A. For the purpose of obtaining a Reform in the Commons House of Parliament, by legal and Constitutional means.

A a 4

Q. That

Q. That was your own object?

A. It was.

Q. I ask you, upon your solemn oath, and the truth is better than all other things, from all that you observed, and heard, and saw, in the course of your attendance upon that Society, had you any reason to believe, or have you now, before God, any reason to believe, that their objects were different from your own?

A. By no means.

Q. Did you ever see any thing pass, or did you hear any thing that led you to believe, or that leads you now to believe, that there was an intention to attack the Government by armed force and violence?

A. Not the most distant idea of it.

Q. Were you a Member of the Sheffield Society at the time it sent its Delegates to Scotland?

A. Yes; I was.

Q. From what passed in the Society, upon that occasion, what was your object in sending your Delegate; what was he to do?

A. For the purpose of co-operating with the other Delegates from the different Societies, in order to produce the object I have already mentioned.

Q. By what means did you intend, or contemplate, that this end was to be accomplished?

A. By a petition to Parliament.

Q. What was the reason, after the petition brought forward by Mr. Grey had been rejected, for having Delegates? what did you expect would be the consequence of a petition from Delegates?

A. I do not perfectly understand you.

Q. What good effect did you expect to arise from sending Delegates in order to have a petition from large bodies of people?

A. The effect of a general co-operation of the great body of the people, the effect of the general sentiment.

Q. What effect did you expect that sentiment to produce? Did you expect it to make an impression upon the Parliament so as to induce them to grant the redress applied for?

A. Yes.

Q. You

Q. You expected that the general sentiment of the people, as far as you could collect it, would make an impression upon the Parliament, and produce that effect?

A. I did.

Q. I ask you solemnly, upon your oath, whether it was in your contemplation, or from what you heard and saw in the course of the debates and proceedings, as far as you are acquainted with them, whether it was the intention of those Delegates to contrive means by which Parliament should be compelled to grant it?

A. By no means.

Q. Would you have remained a member of the Society if you had reason to believe or suspect that that was the object?

A. I certainly would not.

Q. Was any thing said, or did you collect from the general objects of your Society, that it was their intention to affect the King's Majesty, either in his person, or his state and dignity?

A. Certainly not.

Q. Was there any intention that you could collect (I am not asking your ideas or imagination) from what passed in your hearing in the course of the proceedings of the Society, to touch the Lords House of Parliament.

A. Certainly not.

Q. Was you at the Castle Hill when Mr. Yorke made a speech there?

A. I attended the latter end of the meeting; but I heard very little of it.

Q. I take for granted that every now and then a hot spirit might shew itself?

Lord Chief Justice Eyre. Do not take any thing for granted when you are examining a witness.

Mr. Erskine. I will not ask any more questions; I am quite satisfied with what he has said.

David Martin,

Cross-examined by *Mr. Attorney General.*

Q. Have you lived at Sheffield for some time?

A. I

A. I have.

Q. Who were the persons that principally managed the business of the Society at Sheffield?

A. A Committee was chosen occasionally from the Society.

Q. Do you know a person of the name of Gale?

A. I do.

Q. He was a printer at Sheffield?

A. Yes.

Q. He was an active man in the Society?

A. He was.

Q. What is become of Mr. Gale?

A. I cannot tell.

Q. Is he at Sheffield now?

A. I believe he is not.

Q. Upon your oath do not you know he is not?

A. I cannot possibly say; I have not seen him.

Q. Have you called at his house within these two months?

A. I have at the house which lately was Mr. Gale's; he has now, I believe, no house in Sheffield.

Q. You were made an associated member of the Constitutional Society in London, so long ago as March, 1792, were you?

A. I believe so.

Q. Was that done with your knowledge?

A. Yes; I believe it was.

Q. Did the people at Sheffield write to London to desire that at the request of any body in this part of the world, or not?

A. Not that I know of.

Q. Whose proposition was it that you should write to town to become members of this Constitutional Society?

A. It was a proposal in the Committee.

Q. Do you recollect who made it?

A. No.

Q. Do you recollect a letter being read in the Committee that night, desiring you to propose it?

A. I do not recollect it.

Q. Do you recollect a letter from the London Society being read

read in the Committee, desiring that you might propose that you should become associated members of the Society?

A. I do not particularly recollect.

Q. Particularly recollect! do you recollect any thing about it?

A. I cannot take upon me to say.

Q. Will you say you do not recollect?

A. I do not recollect.

Q. You were not acquainted, I believe, with the particulars of the conduct of the Convention in Scotland, were you?

A. No further than what appeared in the public newspapers,

Q. What newspapers are you speaking of?

A. The Edinburgh papers.

Q. What, the paper called the Gazetteer?

A. Yes.

Q. Then am I to understand you, that you know of the proceedings of the Convention, as they appeared in that Gazetteer?

A. I have heard them read.

Q. Then you approved of the proceedings as they appeared in that Gazetteer, did you?

A. Not altogether.

Q. What part of them did you disapprove of?

A. Particularly that part relating to a Secret Committee.

Q. Had you a Secret Committee at Sheffield?

A. No.

Q. You had not got so far as that?

A. No; nothing of the kind was ever entertained.

Q. You say you were at the Castle Hill?

A. I was part of the meeting; at only the latter part of the meeting.

Q. Do you remember that when somebody proposed to petition the House of Commons, it was negatived, and it was determined to petition the House of Commons no more?

A. I was at the outside of the people, and therefore could not hear the proceedings.

Q. You

Q. You would probably have disapproved of that resolution, if you had heard it?

A. Perhaps I might.

Q. So I should have supposed—you know Mr. Yorke?

A. I do.

Q. Was he a Sheffield man?

A. I believe not.

Q. What brought him to Sheffield?

A. I cannot tell.

Q. Had you much acquaintance with him?

A. No acquaintance previous to his first coming to Sheffield.

Q. You knew a great deal of him, I believe, after he did come?

A. I frequently have heard him speak in private, and in public.

Q. You were very intimate with him, were not you?

A. I cannot say I was very intimate.

Q. Were you very often with him in private?

A. I was.

Q. Having been very often with him in private, you and he had both the same opinion about obtaining a reform by peaceable means?

A. I cannot say we had altogether.

Q. What was the difference between you?

A. I cannot recollect exactly; with respect to a Reform in Parliament, we differed in many other circumstances respecting political matters, but with respect to the specific difference I cannot at present recollect.

Q. Do you know who the Editors of the Patriot were?

A. I do not.

Q. Upon your oath do not you?

A. I do not.

Q. Did you never hear who were the Editors of that paper?

A. No; I never did, only what public report has said; I never heard who were but merely by public rumour.

Q. Did you ever hear by public rumour, or otherwise, who were the Editors of the Patriot?

A. I

A. I have heard it said that certain persons were Editors of the Patriot.

Q. Who did you hear it said were Editors of the Patriot?

A. Mr. Brown was mentioned as one person.

Q. Do you know Mr. Brown's hand-writing when you see it?

A. I believe I do.

Q. Mr. Brown was your Delegate to the Convention, was not he?

A. He was.

Q. He was a peaceable well-disposed man?

A. We believed so.

Q. Do you remember your Society having any communication with a Society at Stockport?

A. Letters have occasionally passed.

Q. Have you seen their letters in your Society?

A. I have seen some letters, but do not particularly recollect any of them.

Q. They were also peaceably disposed, and associated for the same end as yourself, no doubt?

A. We believed so.

Q. Tell me whether that (*showing the witness a letter*) is Mr. Campbell Brown's hand-writing or not, according to your belief?

A. I believe it is.

Q. You know upon the Castle Hill, that there was a motion made to petition the House of Commons?

A. Yes.

Q. Upon your oath were you in the secret that that motion was made, by contrivance, to be negatived?

A. I was not.

Q. Do you know it now?

A. I know it by seeing it mentioned in the public papers.

Q. You know it no otherwise?

A. I have heard it spoken of generally among people that they supposed so.

Q. At

Q. At the time you attended the meeting, you did not know that that was a contrivance?

A. I did not.

Q. And many hundred others of you, I suppose, did not?

A. I believe so.

David Martin,

Re-examined by *Mr. Erskine.*

Q. When you say the motion was negatived for petitioning Parliament, do you mean to say it was negatived to petition Parliament ultimately by the Delegates, when they got the sense of a larger body of the people?

A. I understood the not petitioning Parliament, applied to the present Parliament, the present House of Commons.

Q. Whatever Mr. Brown Campbell, or Mr. Campbell Brown might write, or whatever he might think, or whatever he might do—did your Society give him any authority to act for you at Edinburgh, except in a legal and constitutional manner?

A. By no means.

Q. I do not care whether he acted legally or not, but did your Society give him authority, confining him within the limits of legal and constitutional behaviour?

A. They certainly did.

Q. Would you have consented to the sending of him to Edinburgh, if you had believed that he would have transgressed the rules of law?

A. I would not.

Q. You might be mistaken undoubtedly; but I wish to know whether you acted with the intention that you have stated to us?

A. I certainly did.

Lord Chief Justice Eyre. Were the proceedings at the Castle Hill published?

A. They were.

Lord Chief Justice Eyre. Was Mr. Yorke's speech published likewise?

A. Yes;

A. Yes; the proceedings, including the principal part of Mr. Yorke's speech.

Lord Chief Justice Eyre. Do you mean that speech?

A. The speech which was afterwards published.

Mr. Erskine. Which has been read in Court?

Lord Chief Justice Eyre. And you have read that speech?

A. Yes; I have seen it.

Edward Oakes (sworn)

Examined by *Mr. Erskine.*

Q. What are you?

A. A plater.

Q. An inhabitant of Sheffield?

A. Yes.

Q. A housekeeper there?

A. I am not a housekeeper; I live with my father.

Q. What is your father?

A. A grocer.

Q. Was you a member of the Society?

A. I was.

Q. From what time to what time?

A. I think from the year 1791, to the present time.

Q. Did you attend frequently the meetings of the Society?

A. Yes; I did.

Q. Did you attend them what might be called regularly?

A. I did in the general; I was not at every meeting.

Q. But in the general you was a good attendant?

A. Yes.

Q. What was your object?

A. My object in joining the Society was this; if by lawful and constitutional means, in co-operation with the rest of my brethren, we might be able to gain a Reform in Parliament.

Q. How did you expect that that co-operation with the rest of your brethren would produce that consequence?

A. We expected that our petitions would be heard.

Q. Did you expect more effect from petitions which might afterwards

afterwards be presented, under a delegation from large bodies, than might be procured by the petitions of a small number?

A. Yes.

Q. Did you consider that such petitions from Delegates of large bodies of people, was more likely to impress Parliament with the policy and justice of the measure?

A. I did.

Q. Was it your intention, as far as you must be acquainted with your own objects, if you were disappointed in the effect which you expected, to use force or violence——

Mr. Attorney General. Please to ask him what his intention was.

Mr. Erskine. Be so good as to hear the question out. I do not like to be interrupted in the middle of a question.

Lord Chief Justice Eyre. You have not asked the witness one question yet which has not been irregular.

Mr. Erskine. How am I to ask a witness a question, touching a particular point, without leading him, in some measure. I don't mean to put the answer in his mouth; I will pursue the question in the very way I was going to do, and will argue it with the gentlemen.

Mr. Attorney General. It is not worth arguing.

Mr. Erskine. Then it is not worth interrupting me in this way. If the petitions, the success of which you contemplated, should not have been attended with effect, was it your object to use force?

A. No; never.

Q. Would you have remained in the Society, if you had had any reason to believe that that was the object of others?

A. I would not.

Q. From what passed in the Society, when you was present at their meetings, what did you collect to be their object?

A. I never understood that the object of the Society, as a body, or as individuals, was any thing more than a Reform in Parliament; and they did not, as far I knew of them, desire, in the least, to gain this object by any other means than by petitioning Parliament.

Q. Were you present, upon the Castle Hill, when a petition to Parliament was rejected, and a petition to the King put in the room of it?

A. I was.

Q. When that petition, to the House of Commons, was negatived for the present, was it determined, at no future time, to petition Parliament, when you had got the sense of a larger body of people?

Lord Chief Justice Eyre. Do you know what the terms of the resolution were?

A. I do not recollect at present.

Mr. Erskine. His Lordship, I suppose, does not ask as to the words, but if you know the substance of it?

A. I do not know that the resolution was, stating that Parliament should never be petitioned again.

Q. Did it refer to that time, or to all time?

A. I rather think it particularly referred to that time only.

Q. Was you in the Society at the time when it was proposed to send a Delegate to Scotland?

A. Yes; I was.

Q. Did the proposition, to have a Convention in Scotland, and to have Delegates sent to it, come to your Society from Scotland, or did you send to it?

A. I do not recollect.

Q. When you sent your Delegate, what was the object of the Society, as far as you collected it, from what you heard upon the occasion; I am not asking your ideas and notions in sending Mr. Brown to Edinburgh?

A. The object of the Society, as far as I knew of, in sending Matthew Campbell Brown to Edinburgh, was, in order that proper measures might be considered of, for the purpose of gaining a Reform in Parliament.

Q. Was Matthew Campbell Brown, as Delegate from your Society, to express the sense which your Society had?

A. He was.

Q. Was it the object of your Society, that your Delegate should express your idea?

A. It was; I dare say our Delegate would have been recalled from the Convention if any other object had been proposed.

Q. Was he directed to pursue the object which the Society expressed?

A. He was.

Q. When the Delegates, from the different Societies had got together, what were they to do?

A. They were to point out the proper way of addressing Parliament, unknown to us.

Lord Chief Justice Eyre. Did you say unknown to us?

A. Of addressing Parliament in a constitutional way, that might not altogether be thought upon by us; we thought them persons more capable of judging of the most effectual way of addressing Parliament than ourselves.

Mr. Erskine. What effect did you consider might be produced by having Delegates assembled, peaceably, from very large bodies of people—what effect did you contemplate that would have with Parliament?

A. We supposed that petitions, coming from so respectable a body as we thought them, would have considerable weight with Parliament.

Q. Did you think that petitions, coming from Delegates, from a great body of people, would have more effect than a petition from a small body?

A. We did.

Q. Did you contemplate that, by the pursuit of the same peaceable means, Parliament might ultimately yield, from a sense of justice, to your wishes?

A. That was our ultimate expectation.

Q. From any thing that passed in your Society, was there any thing in contemplation against the King?

A. Not against the King.

Q. Against his title, or office?

A. Nothing against his title, or office, or life

Q. Was any thing said, when the Delegate was sent to Scotland, concerning the House of Lords?

A. I do

A. I do not particularly recollect whether there was or no.

Q. Did the object of your Society extend further than the representation of the people in the House of Commons?

A. I believe not.

Q. When did you first hear, what we have heard a good deal of in this Court, of any arms, or pikes?

A. I do not particularly recollect the time; it was a few months back.

Q. Just a little before Mr. Camage was taken up, was not it?

A. Not long before.

Q. Do you recollect whether the Society, or any part of it, had been insulted, or threatened?

A. Yes; I recollect very well, the Society had very great apprehensions of danger from the opposite party, because the opposite party had given them cause to fear, by their repeated threats to the Society, and by the ill usage that some of the members of the Society had met with from them.

Q. Do you mean, by the opposite party, the magistrates?

A. No; by no means the magistrates, but individuals, who took upon themselves an authority which we thought they had no right to.

Q. Do you recollect whether that was complained of in the Society, and whether any danger was thought of?

A. It was complained of in the Society, as a thing that was thought by the Society not right.

Q. I ask you, upon your most solemn oath, whether there was ever any thing passed in the Society, for arming it as a body, for an attack upon the government of the country?

A. I am sensible in whose presence I now stand, and I desire to speak the truth, the whole truth, and nothing but the truth; and, in the presence of God, I can solemnly affirm, upon my oath, that that never was designed, never agitated, and, I believe, never thought of in the Society, to arm, as a body, to attack government.

Q. If any such idea had ever occurred to any wicked man, or wicked men, in your Society, have you reason to believe that you should have known it?

B b 2

A. I should.

A. I should.

Q. I do not ask you what any wicked man, in his own private mind, might have intended; but if it had been the object of your Society, or any number of them, do you believe you should have known it?

A. I believe I should.

Edward Oakes,

Cross-examined by *Mr. Bower.*

Q. Be so good as to remember, when you answer my questions, that you have spoken about the solemnity of your oath.— You have been a member of the Sheffield Society, you say, from the year 1791?

A. I have.

Q. Have you been intimately acquainted with the proceedings of that Society?

A. Yes.

Q. You stated that, I think?

A. Yes.

Q. Had you a Committee of members of your Society, who managed for the Society?

A. Yes.

Q. Were you a member of that Committee?

A. Yes.

Q. Were you there at the time when twelve members were sent, or intended to be sent, from the Constitutional Society at Sheffield, to the Constitutional Society in London?

A. I never was present when any such thing was ever proposed.

Q. Do you not know, in fact, you that were intimate with all the proceedings of the Society, that twelve members were deputed, from Sheffield, to be elected members of the Constitutional Society, in London?

Oakes. To be elected members?

Mr. Bower. Yes.

A. I do not know that I was present.

Q. If you mean to turn any thing upon the word elected, to be sent, to have a communication with them?

Oakes,

Oakes. To be deputed, to be sent from Sheffield to them?

Mr. Bower. Yes.

A. No; I never was at any meeting where there was such a proposition made.

Q. Were they to be associated, any of your members with the Society in London?

A. I do not know that they were, in any wise, to be associated to them, any further than by correspondence.

Q. Were they then to be associated by correspondence?

A. In order to co-operate with each other, for the purposes I have mentioned.

Q. Were you there then, when it was agreed, or settled, that twelve members of your Society should be associated with the London Society, for the purpose of correspondence?

A. I do not recollect whether I was or not.

Q. Did you never hear in the Committee, that such a step had been agreed upon?

A. I cannot particularly answer to that.

Q. I beg you would recollect yourself, whether you do not recollect that such a circumstance happened; do you mean to say it did not happen?

A. I do, by no means, wish to insinuate that it did not happen; but I do not recollect whether there was any such proposition made.

Q. Do you not believe the fact, that such persons were associated?

A. I do not believe that there was.

Q. Do you know, whether any proposal that was made about associating members of your Society, came from London, or was at first proposed from Sheffield?

A. Indeed, I do not know.

Q. Did you constantly attend the Committees?

A. I did not.

Q. And you never heard, either before or after, such a measure, that it had actually taken place?

A. I did not.

Lord Chief Justice Eyre. Did your Committee take your proceedings down in writing ?

A. Sometimes.

Lord Chief Justice Eyre. Did they keep a regular account ?

A. Not a regular account.

Mr. Bower. What are become of those proceedings that were put into writing at those Committees ?

A. Indeed, I am perfectly a stranger to them ; for, at the time the persons were apprehended and taken from Sheffield to London, I did not, at that moment, or at that time, attend the Committee ; so that I cannot answer for any thing that the Committee did in my absence.

Q. In whose custody were the proceedings that were put into writing usually kept ?

A. By William Broomhead.

Q. You said, you expected your petitions would be heard ; whether you were present, when that resolution passed which we have been talking off, when it was resolved not to petition Parliament any more ?

A. I was.

Q. Were you present when any letter was written from the Constitutional Society at Sheffield, to the Society for Constitutional Information at London, respecting a radical Reform of the Country, the 14th of March 1792 ; that is long subsequent to the time of your becoming a member ?

A. Unless I was to know the contents of the letter, I cannot speak.

Q. I will shew it you ; do you know a man of the name of Samuel Ashton ?

A. Yes.

Q. Was he an active member of your Society ?

A. He was at the first period of it.

Q. Up to what period ?

A. I do not know.

Q. Where is he now ?

A. Indeed, I do not know.

Q. Is he at Sheffield ?

A. I apprehend

A. I apprehend not; I believe he is somewhere in the country.

Q. Did he correspond with the London Corresponding Society, in the name of the Sheffield Society?

A. Yes.

Q. Is that letter (*shewing it to the witness*) Ashton's hand-writing?

A. I cannot answer to it.

Q. You must have seen him write frequently in the Society?

A. When he was an active member of the Society, I was not an active member.

Q. Have you never seen Ashton write, upon the solemn oath to which you have appealed?

A. I never saw him write any letter to any correspondent.

Q. Have you seen him write upon any subject?

A. I do not recollect whether I have or not; I have seen him write, but not to examine his writing.

Mr. Erskine. You may take it to be Ashton's hand-writing; I am going to call a witness to prove Ashton's hand-writing.

Mr. Bower. What is Samuel Ashton?

A. I believe he was originally a painter.

Q. What is he now?

A. I suppose now he has obtained a patent, for the purpose of tanning leather.

Q. You do not know where he is now?

A. I do not.

Q. You may look at the contents of that letter, and tell me, whether you know of that letter being sent to London? (*The witness reads the letter.*)

Q. Now you have read that letter; upon your oath, do you know of that letter being sent to London?

A. I cannot answer to that.

Q. Do you believe you did; I will try you first in that way, because I advise you, that we know more of this than you are aware of, and therefore be cautious; upon your oath, in the first place, do you believe, or not, that it was sent?

A. At the time that this letter was wrote, I was not an active member, nor admitted into their meetings.

Q. Did you at any time after you became a member, know that that letter had been written ?

A. The letters were not altogether known to the Society at large; therefore I am not able to answer it.

Q. There is one thing in which you are inaccurate; but I do not want to surprise you; you stated, in your examination, that you had been a member of this Society in 1791; this letter is dated the 14th of March 1792, and of course must be written at the time you were a member ?

A. Yes.

Q. Then, though you had been a member from 1791 to March 1792, you did not know of that letter being written ?

A. We, as a body, appointed Representatives for us; and therefore we entrusted to them to transact our business, as they knew our views.

Q. Was any report ever made to the Society, of what the Committees had been doing ?

A. Yes, at times there were.

Q. About what periods; once a fortnight, a month, three months, or at about what intervals ?

A. Sometimes they were often made, and sometimes not.

Q. What was the time that was ofteneft—was it once a week ?

A. No.

Q. Once a fortnight ?

Lord Chief Justice Eyre. Had you any fixed time ?

A. We had not.

Mr. Bower. Upon your oath, do you ever remember a report being made of the proceedings about the period of the 14th of March, 1792 ?

A. Indeed, I am not able to answer to that; I cannot recollect.

Q. You say, in that letter, that it is upon the principle of the Rights of Man; had those books been received in your Society as the principles upon which you were to act, Paine's Rights of Man ?

A. They had been introduced into the Society before they were proved to be a libel.

Q. Your principles, however, that you state, are the right to
a thorough

a thorough Reformation—a radical Reform of the Country, upon a system consistent with the rights of man. Were the rights of man described in that book and this letter?

A. I do not know whether this letter particularly means the Rights of Man, as particularly wrote by Mr. Paine.

Mr. Attorney General. Read up that sentence: “ If the Society for Constitutional Information, in London, should vouchsafe so far to notice us, as to enter into a connection and correspondence with us, it cannot fail of promoting honour, and adding strength to our feeble endeavours, and to the common cause, which is the entire motive we have in view.”

Mr. Erskine. Begin at the beginning, and read the whole letter.—The Gentlemen of the Jury will be so good as to take down the date of this letter; it is the 14th of March, 1792.

Mr. Attorney General. That is not the letter we meant; but you may read that.

Mr. Bower. This is not the paper that I am examining to; but I have no objection in the world to his reading it.

Mr. Erskine. I have no wish to consume the time of the Court; I only wish the Jury to take down that date, the 14th of March, 1792, because I have a witness to call in a few minutes.

Mr. Bower. As you desire to have it read, let the witness read it aloud. (*The witness read the letter aloud.*)

“ SIR,

“ It is now about four months since this Society first formed itself into a regular body, then but very few in number; the enclosed will inform you of their increase, and which, is most probable, will soon become very numerous; and not only this large and populous town, but the whole neighbourhood, for many miles round about, have an attentive eye upon us; most of the towns and villages, indeed, are forming themselves into similar associations, and strictly adhere to the mode of copying after us; you will easily conceive the necessity for the leading members of this body, to pay strict attention to good order and regularity, and the need we have of consulting and communicating with those who are sincere friends,

4

“ and

“ and able advocates, for the same cause; for these reasons, we
 “ took the liberty of writing to Mr. Horne Tooke, that worthy
 “ friend and patriot for the Rights of the People, informing him
 “ of our earnest desires of entering into a connection with the
 “ Society of the same denomination with ours in London: His
 “ very obliging and affectionate answer favours us with your
 “ address; in consequence, we have taken the liberty herewith
 “ to transmit to you some resolves, which were passed at our last
 “ meetings by the whole body; and the Committee was charged
 “ with the dispatch of printing, and forwarding them to you
 “ accordingly, for the purpose of submitting them to the consi-
 “ deration of your Society, to make such use of them as they
 “ think most prudent.

“ You will also notice the Belpar Address; they applied to us,
 “ about two months ago, for instructions, as to our mode of
 “ conducting, &c. had not then formed themselves into any
 “ regular association. Belpar is nearly thirty miles from this
 “ place, in Derbyshire, and eight or ten miles from Derby.

“ If the Society for Constitutional Information, in London,
 “ should vouchsafe so far to notice us, as to enter into a con-
 “ nection and correspondence with us, it cannot fail of promoting
 “ honour, and adding strength to our feeble endeavours, and to
 “ the common cause, which is the entire motive we have in view.

“ I am, Sir,

“ With the greatest respect and esteem,

“ Your sincere friend,

“ By order of the Committee,

“ SAMUEL ASTON,

“ *Campo-lane.*”

“ *Sheffield, 14th March, 1792.*”

“ We have taken the liberty of enclosing a parcel for Mr.
 “ Hardy, in answer to a letter from him to this Society, re-
 “ questing some information concerning our method of con-
 “ ducting the business we are embarked in, &c. also informing
 “ us, there are, in London, a number of mechanics, shop-
 “ keepers, &c. forming themselves into a Society, on the broad
 “ basis of the Rights of Man. You will be so obliging as to
 “ let the packet remain with you until he call for it, as by this
 “ post

“ post I have wrote him thereof. We have given him our
 “ manner of proceeding, from our setting out to this time, and
 “ hope it may be of some use; the improvement we are about
 “ to adopt is certainly the best for managing large bodies, as in
 “ great and populous towns, viz. dividing them into small bo-
 “ dies or meetings of ten persons each, and those ten to appoint
 “ a Delegate: ten of these Delegates form another meeting, and
 “ so on, delegating from one another, till at last are reduced
 “ to a proper number for constituting the Committee, or Grand
 “ Council.

“ Please to forward the packet to Mr. Hardy, as soon as
 “ convenient.”

Mr. Bower. The last letter was put into your hand by a mistake; I would wish you to read this letter (*giving the witness another letter.*)

A. It is the same date, the 14th of March, 1792; Sheffield Society for Constitutional Information, to the Society for Constitutional Information, in London.

Q. Who is it directed to on the other side?

A. There is no direction on it.

Mr. Erskine. It is necessary the Jury should know, as you go on, that this is not new matter; that it is matter which has been proved before.

Mr. Bower. Certainly.—Is that the hand-writing of Mr. Ashton?

A. I cannot answer to his hand-writing in any respect.

Q. Do you believe it to be his hand-writing?

A. I am not acquainted with his hand-writing.

Q. You have seen him write?

A. But not to notice his hand-writing.

Mr. Erskine. I am going to prove his hand-writing, as I stated before.

(*The witness reads it aloud.*)

“ GENTLEMEN,

“ This Society, feeling as they do, the grievous effects of the
 “ present corrupt State defects, and abuse of our country; the
 “ great

" great and heavy oppressions which the common mass of the
 " people labour under, as the natural consequence of that cor-
 " ruption; and at the same time being sensible, to a degree of
 " certainty, that the public minds, and general sentiments of the
 " people, are determined to obtain, **A RADICAL REFORM**
 " **OF THE COUNTRY**, as soon as prudence and discretion
 " will permit, believes it their duty to make use of every pru-
 " dent means, as far as their abilities can be extended, to obtain
 " so salutary and desirable an object as a thorough Reformation
 " of our Country. For these reasons, with great deference and
 " submission to the members of the Society for Constitutional
 " Information in London, we beg leave to request that they
 " will be pleased to admit the persons of the following names
 " annexed hereto, as members of their Society, (they being
 " our friends, and members of our Society), in order that a close
 " connection may be formed, and a regular communication
 " maintained, between the two bodies; that, being thus strength-
 " ened, this Society may be better enabled to govern itself with
 " more propriety, and to render assistance to their fellow-citizens
 " in this neighbourhood, and in parts more remote; that they,
 " in their turn, may extend useful knowledge still further, from
 " town to village, and from village to town, until the whole
 " nation be sufficiently enlightened, and united in the same cause,
 " which cannot fail of being the case wherever the most excel-
 " lent works of Mr. Thomas Paine find residence.

" I am, Gentlemen,

" Your most respectful and sincere friend,

" By order of the } " **SAMUEL ASHTON,**

" Committee, } " Secretary for this Society."

Mr. Bower. In that part where it says---" the people are determined to obtain a radical reform of the country," what word was the word originally, where the word *country* is now?

A. I do not know; it is not intelligible.

Q. Do you know how those two letters of the same date came to be sent on the same day?

A. No; I do not.

Q. Did

Q. Did you ever hear of this letter, which I have now desired you to read, before it was written, or afterwards?

A. I do not recollect it.

Q. Do you not recollect hearing of that letter at all?

A. I do not.

Q. That was a letter then composed by the Secret Committee, which never was communicated to you, at least?

Oakes. By the Secret Committee?

Mr. Bower. By the Committee?

A. It never was.

Q. It never was communicated, to your knowledge, to the Society?

A. I do not know, because I did not attend all the Society's meetings.

Q. I ask whether, to your knowledge, it ever was communicated to the Society?

A. I cannot answer to that.

Lord Chief Justice Eyre. Do you know whether it was, or was not?

A. I do not know whether it was, or not.

Mr. Bower. You say you were present at the meeting at the Castle Hill?

A. I was.

Q. Did you hear Yorke's speech there?

A. Yes.

Q. Have you read it since it was printed?

A. I have not.

Q. Have you never read his speech?

A. No; I have not.

Q. Did you know Mr. Brown?

A. Yes.

Q. Was he the Editor of the Patriot, I mean the Gentleman sent as Delegate, Matthew Campbell Brown?

A. I do not know?

Q. Did you ever read a paper at Sheffield under the name of the Patriot?

Oakes.

Oakes. Do you mean a newspaper, or a book which came out in numbers ?

Q. I believe it came out both ways; did you ever read either of them ?

A. I have read frequently the Register, which might contain extracts from the Patriot, Mr. Gale's Register.

Q. Did you read the book that was published under the title of the Patriot ?

A. I read several of them.

Lord Chief Justice Eyre. What was the title of the Register ?

A. The Sheffield Register.

Lord Chief Justice Eyre. A newspaper, published weekly ?

A. Yes.

Mr. Bower. Look at the resolutions in the printed paper pasted into that book ?

Oakes. Will you give me leave to read them over ?

Mr. Erskine. Do you remember that paper; do you know any thing of it ?

A. I cannot tell.

Mr. Bower. Read it over aloud; it has been read already.

Mr. Erskine. That is a very good reason why he need not read it aloud again (*the witness read it over to himself.*)

Mr. Bower. Now, upon your oath, were those resolutions, or printed copies of them, circulated at Sheffield as the resolutions of your Society ?

A. Yes; I believe they were.

Q. You have seen them in circulation there; have you not ?

A. I think so ?

Q. Did you at that time, or your Society, circulate the books which are referred to in those resolutions—I mean this part, “ we declare that we have derived more true knowledge from the two works of Mr. Thomas Paine, intitled, Rights of Man, part the first and second, than from any other author on the subject—the practice, as well as the principle of Government, is laid down in those works in a manner so clear and irresistibly convincing, that this Society do hereby resolve to give their
“ thanks

" thanks to Mr. Paine for his two said publications, intitled
" Rights of Man, part the first and second."

A. Never since they were proved to be a libel.

Q. I am not talking about their being proved to be a libel,
but whether these books were circulated by your Society, about
Sheffield, as the principles of Government which you had
adopted?

A. They were, before they were proved to be a libel.

Q. Were they circulated by the members of your Society, in
the neighbourhood of Sheffield, in very great numbers?

A. Indeed I cannot answer that.

Q. Do you know that they were circulated by the members of
that Society at all?

A. Yes; they were, before they were proved to be a libel.

Q. I beg it to be understood that the question has nothing
to do with proved to be a libel; but were they not, in fact,
circulated?

A. They were sold to various persons, both in the town and
country.

Q. By whom; by Gale?

A. I do not know whether Gale sold any or not; I believe
he did.

Q. By whom, do you know, were they circulated—were they
circulated by the members of that Society, to your knowledge?

A. Yes.

Q. Who was this David Martin, who signs those resolutions
as Chairman of your Committee?

A. He was not constantly Chairman.

Q. Was he, at the time those resolutions passed?

A. I do not know that I was present when they were passed.

Q. Did you not know the time till I asked you to the time
now?

A. Yes; I knew they were circulated as such.

Q. Did you not know he was Chairman?

A. I know it by his name being to the minutes.

Q. How many members had you about this time in the Con-
stitutional Society?

A. I do not know.

Q. Do you mean to say you do not know whether there were twenty-five hundred, or ten thousand?

A. I cannot answer to the particular number of the Society.

Q. As near as you can?

A. I do not wish to speak any thing but the truth.

Q. As near as you can?

Lord Chief Justice Eyre. Give short, clear, distinct answers; that is the way to convince every body that you speak the truth.

Mr. Erskine. They are asking the number of members, at a distinct period of time, in a Society the numbers of which were fluctuating.

Mr. Bower. About how many?

A. Probably there might be about two hundred.

Q. How came you to say, in your Resolutions, that they were increased to nearly two thousand, if they were only two hundred?

A. There were many that were friends to the plans that we were proposing and adopting, that were not regularly entered into the Society as members.

Q. You begin by stating, "This Society, composed chiefly of the manufacturers of Sheffield, began about four months ago, and is already increased to nearly two thousand members, and is daily increasing;" was not that fifteen, sixteen, or eighteen hundred more than you had at the time?

A. Probably that might be taken from the number of people that attended the meeting at that time.

Q. Did people attend the meetings who were not members?

A. Yes, at the first beginning.

Q. Had you any meeting at which five hundred persons were got together, before the month of March, 1792?

A. I believe there were.

Q. I observed, when you were examined, you said you had no intention to attack Government; what did you mean that you had no intention to attack Government; if Government had attacked you, and dispersed you, what were you to do?

A. We

A. We had no designs at all to attack Government by force of arms.

Q. Supposing Government had attempted to disperse you?

A. We should have submitted to it.

Q. You don't know, you said, whether there was any intention at all about altering the House of Lords, or about the House of Lords in any respect?

A. We expected a fair and equal representation in the House of Commons; that if there were any corruptions in the House of Lords, that a reformation of that would follow of course.

Q. Then, after all you have stated to me of those resolutions, and those works, you have before stated, you mean now to state that your idea was a mere reform by petition to Parliament, and nothing more?

A. It was.

Q. Was Martin the person, that signed this, the last witness?

A. Yes.

Edward Oakes,

Re-examined by Mr. Erskine.

Q. You said, when you had obtained an equal representation in the House of Commons, if there was any corruption in the House of Lords, a reformation there would follow of course—do you mean that that would follow, in consequence of an act of Parliament made by the King, the Lords, and the House of Commons, restored to its purity, as you wished it?

A. Yes:

Mr. Bower. That is a leading question.

Mr. Erskine. Though there was no fixed time for your Committee's reporting what passed before them, whether reports were not made from time to time to time, and all the proceedings published in the papers?

A. I believe there were.

Q. Was there any concealment of what you did?

A. I believe there was not.

Q. Were not the letters, which you have heard read in Court here, from time to time, printed in the newspapers at the time?

A. I cannot answer for that.

Q. But did you not advertise frequently, in the newspapers, the proceedings and letters that you had?

A. I believe the proceedings of the Society were, in general, published in the newspapers.

Mr. Bower. Did that book, called the Patriot, come out about the same time as the newspaper?

A. The newspapers came out long before the Patriot.

Mr. Daniel Stuart, (called again)

Mr. Erskine. I call this gentleman, who has been examined before, in consequence of the evidence which your Lordship has now been attending to; this gentleman is Secretary to the Friends of the People, in Frith-street, London, whose proceedings are before the Court. Have you any letter from the Sheffield Society, signed Samuel Ashton?

A. I have. (produces it.)

Q. Had the Society of the Friends of the People, at that time, published their Declaration; I call it our Declaration, being myself a member of that Society?

A. Yes; they had.

Mr. Law. What is the date?

Mr. Erskine. The 14th of May, 1792. At what time did the Society of the Friends of the People first institute themselves, and publish their Declaration; have you one about you?

A. I have; here—(producing it)—it is the proceedings of the Society, printed under my own inspection.

Q. Does this letter refer to this address?

A. It does.

Mr. Erskine. We will read the letter first, and then the address.

Lord Chief Justice Eyre. What is the date of the Declaration, you speak of?

Mr. Erskine. The title of it is—"A Declaration, agreed to on the 11th of April, 1792, by the Society, entitled, The Friends of the People, associated for the purpose of obtaining a Parliamentary Reform."

Lord Chief Justice Eyre. When published?

Mr. Stuart. Very soon after.

Mr. Erskine. It was transmitted to Ashton; and this letter is the answer of Ashton upon the receipt of it.

(It was read by Mr. Erskine.)

“**DECLARATION**, agreed to on the 11th of April, 1792, by
“the Society, entitled, **THE FRIENDS OF THE PEOPLE**,
“associated for the purpose of obtaining a **PARLIAMENTARY**
“**REFORM.**”

“A number of persons, having seriously reviewed and considered the actual situation of public affairs, and state of the kingdom, and having communicated to each other their opinions on these subjects, have agreed and determined to institute a Society, for the purpose of proposing to Parliament, and to the country, and of promoting, to the utmost of their power, the following constitutional objects, making the preservation of the Constitution, on its true principles, the foundation of all their proceedings.

“First, To restore the freedom of Election, and a more equal Representation of the People in Parliament.

“Secondly, To secure to the People a more frequent exercise of their right of electing their Representatives.

“The persons, who have signed their names to this agreement, think, that these two fundamental measures, will furnish the power and the means of correcting the abuses, which appear to them to have arisen from a neglect of the acknowledged principles of the Constitution, and of accomplishing those subordinate objects of Reform, which they deem to be essential to the liberties of the people, and to the good government of the kingdom.

“Signed by

“Charles Grey, Esq; M. P. Hon. Thomas Maitland, M. P.

“George Rous, Esq; William Cuninghame, Esq; John

“Tweddell, Esq; Earl of Lauderdale, Nicolls Raynsford,

“Esq; James Mackintosh, Esq; Thomas Christie, Esq;

“Malcolm Laing, Esq; Right Hon. Lord Kinnaird, James

“Archdekin, Esq; William Harwood, Esq; David Godfrey,

" Esq; Higgins Eden, Esq; Philip Francis, Esq; M. P.
 " Charles Goring, Esq; Mr. Serjeant Bond, William Luth-
 " ington, Esq; Samuel Rogers, Esq; Peregrine Dealtry, Esq;
 " R. B. Sheridan, Esq; M. P. William Fullarton, Esq; Nor-
 " man Macleod, Esq; M. P. James Losh, Esq; Mr. Alder-
 " man Sawbridge, M. P. Richard Weld, Esq; John Cla-
 " ridge, Esq; John Wharton, Esq; M. P. James Martin,
 " Esq; M. P. William Smith, Esq; M. P. John Hurford
 " Stone, Esq; W. H. Lambton, Esq; M. P. John Godfrey, Esq;
 " George Tierney, Esq; Arthur Piggot, Esq; J. B. Church,
 " Esq; M. P. Gilbert Ironside, Esq; T. B. Hollis, Esq; S.
 " Whitbread, jun. Esq; M. P. Sir J. Throckmorton, Bart.
 " M. A. Taylor, Esq; M. P. William Breton, Esq;

Mr. Attorney General. Is that the Mr. Breton, whose name occurs in the account of the proceedings at Chalk Farm?

Mr. Stuart. Yes; that is the same Mr. Breton.

" Thomas Rogers, Esq; Hon. Thomas Erskine, M. P.

Mr. Erskine. Meaning me, Gentlemen.

" R. Knight, Esq; Thomas Thompson, Esq; M. P. Colonel

" Tarleton, M. P. John Scott, Esq; M. P.

Mr. Attorney General. That is not me, Gentlemen.

Mr. Erskine. This Gentleman is not John Scott, Esq; but Sir John Scott; they are both very good men, Gentlemen.

" Sir Bellingham Graham, Bart. George Byng, Esq; M. P.

" John Cartwright, Esq; Jeremiah Batley, Esq; Ralph Carr,

" jun. Esq; Ralph Milbanke, Esq; M. P. Henry Howard,

" Esq; B. E. Howard, Esq; E. B. Clive, Esq; Henry How-

" ard, Esq; M. P. John Leach, Esq; John Nicholls, Esq;

" Joseph Richardson, Esq; John Towgood, Esq; William

" Chisholm, Esq; John Fazakerley, Esq; Richard S. Miles,

" Esq; M. P. Samuel Shore, Esq; Samuel Shore, jun. Esq;

" Charles Warren, Esq; Long Kingsman, Esq; Edward Je-

" remiah Curteis, Esq; Samuel Long, Esq; M. P. John

" Bourdieu, Esq; T. B. Rous, Esq; D. O. Bryen, Esq; J.

" Lodge Batley, Esq; James West, Esq; Richard Carpenter

" Smith, Esq; W. Powlett, Esq; M. P. George Livius, Esq;

" Right

" Right Hon. Lord Daer, Hon. John Douglas, Rev. Dr.
 " Kippis, James Jacque, Esq; Francis Love Beckford, Esq;
 " Adam Walker, Esq; Richard Sharp, Esq; Rev. Dr. Joseph
 " Towers, John Furnell Tuffen, Esq; John Clerk, Esq;
 " Thomas Bell, Esq; John Wilson, Esq; Andrew Stirling,
 " Esq; Richard Heavyside, Esq; Mr. Alderman Coombe, Ro-
 " bert Merry, Esq; George Shum, Esq; J. G. Lemaistre,
 " Esq; James Perry, Esq; Henry Clifford, Esq; John Crook-
 " shanks, Esq; John Pratt, Esq; W. Maxwell, Esq; T. Hill,
 " Esq; J. C. Bentley, Esq; Thomas Bell, jun. Esq; Richard
 " Wilson, Esq; Mr. J. Jarvis, C. F. Ward, Esq; Rev. C.
 " Powlett, William White, Esq; T. Holt White, Esq; W.
 " Stone, Esq; Joshua Grigby, Esq; Robert Aitken, Esq; Jo-
 " seph Spurrell, Esq; Thomas Nevill, Esq; T. Rutt, Esq;
 " Robert Slade, Esq; Francis Kemble, Esq; William Sharp,
 " Esq; John Barnes, Esq; Joseph Ruse, Esq; T. Gordon, Esq;
 " Mr. J. Griffin, Mr. Edward Hall, William Bosville, Esq;
 " John Redman, Esq; J. Philips, Esq; J. Porter, Esq; J. B.
 " Gawler, Esq; Rev. J. C. Banks, Bertie Greathed, Esq;
 " Thomas Crookenden, Esq; Benjamin Bakewell, Esq; Colo-
 " nel Hastings, D. E. Macdonnel, Esq;

" Non-resident Members, who have signed the Declaration:

" Right Hon. the Earl of Buchan, Scotland; Sir J. E. Swin-
 " burne, Bart. Northumberland; Professor Millar, Glasgow;
 " G. Lloyd, Esq; Suffolk; W. Belfham, Esq; Bedford; Ca-
 " pel Loft, Esq; Suffolk; W. Davy, Esq; Devonshire; James
 " Milnes, Esq; Yorkshire; Robert Monteith, Esq; Glas-
 " gow; J. Richardson, Esq; Glasgow; J. Losh, Esq; Cum-
 " berland; J. Grigby, jun. Esq; Suffolk.

" TREASURERS,

" Right Honourable Lord Kinnaird, George Tierney, Esq;"

Mr. Erskine, to Mr. Stuart. The objects of our Society being communicated in this manner, did you receive this letter?

A. I did. Our Declaration was published about the end of April, in all the newspapers; and this letter came from Sheffield,

In consequence of their having seen that in the newspaper ; it is dated the 12th of May.

Mr. Attorney General. Do you know Ashton's hand-writing ?

A. I never saw him write ; he called upon me in Frith-street, about that letter.

Mr. Attorney General. Your Lordships will permit me just to mention that it is the same hand-writing as a letter of the 26th of May, which has been read from Ashton, at Sheffield, to the Constitutional Society in London, relative to this very proceeding.

(It was read.)

Committee of the Society for CONSTITUTIONAL INFORMATION, at Sheffield, to the Committee of the Honourable Society, entitled, the FRIENDS OF THE PEOPLE, in London.

Gentlemen,

It is with infinite pleasure we have read and considered your Address and Declaration, from your General Meeting, 26th of April last ; the principles, therein set forth, by so large a body of the most respectable and worthy characters, is a sufficient testimony and confirmation to us, that so honourable a Society, by signalising themselves in support of the laudable and general cause of the community, will render themselves most truly worthy of that high and benevolent appellation, by which they are already known to us, The Friends of the People.

Your sentiments, your motives, and your plan of obtaining a reform of the abuses of Government, are perfectly in unison with our ideas. It is our business (to which we have always confined our endeavours) to instruct the people, in a temperate and peaceable manner, the necessity of such a reform as you point out ; but have never yet attempted to adopt, or point out any particular mode of obtaining it, further than you will observe by the enclosed ; believing that, in due time, men of more respectable characters, and great abilities, would step forward ; to such we have always had an eye, and upon such we have ever meant to rely for our Government, and the adoption

“ adoption of the most eligible plan of a more free and equal
 “ representation in the House of Commons, and the removal of
 “ the great abuses and impositions, by measures altogether in-
 “ adequate to the interest and welfare of the nation in general,
 “ and to the mechanical and laborious part of the community in
 “ particular,

“ It is, therefore, with the highest degree of satisfaction that
 “ we behold such a respectable body stepping forward in so
 “ laudable, so just, and so good a cause; you have our
 “ warmest wishes, sincerest thanks, and assured endeavours of
 “ supporting it, to the best of our abilities, in a rational and
 “ peaceable way. It is our duty, and it will ever claim our at-
 “ tention, strictly to adhere to, maintain, and be governed by,
 “ the principles laid down in your declaration, notwithstanding
 “ the gross and fallacious insinuations of the enemies of justice and
 “ equity. We are assured that no honest man, being acquainted
 “ with our principles, would have attempted to declare in the
 “ House, “ That the design of these Associations is completely
 “ to overturn the Constitution, &c.” And we are sorry that Mr.
 “ Baker was under the disagreeable necessity of explaining in
 “ answer to such gross assertions, without having it in his power
 “ to speak with precision to the principles and design of this and
 “ the similar Societies, and to have united them with your’s in his
 “ explanation. For this, and similar reasons, we are induced to
 “ take the liberty of troubling you with the above and following
 “ sketch:—Our Associating, or Ticket Members, are now about
 “ 2400; yet we have the satisfaction, with truth, to affirm, that not
 “ the least disorder, or confusion, hath made its appearance amongst
 “ us; all is unanimity, peace, and concord. As our Members in-
 “ crease, the number of meeting places are increased in proportion,
 “ so as not to exceed at most thirty Members at one place. All
 “ the Circular Meetings are held once a fortnight, on the same
 “ evening; our General Meeting is held once a month, at three
 “ different houses, on the same day, generally very crowded, yet
 “ good order and regularity is strictly attended to:—and we
 “ doubt not, but what has been suggested to be impossible, will be
 “ fully manifested to be not only practicable, but easy to accom-

“ plish, viz. to introduce useful knowledge, good order, and regularity, into the minds and morals of the common, or lower orders of the people.

“ We are perfectly satisfied of the integrity and abilities of those respectable characters who constitute the Society of the Friends of the people, (but if we may presume to lay before them some thoughts, we have had, respecting what method would be best to adopt for obtaining the general sense of the nation, before the proposed motion in the next Session of Parliament takes place), we beg leave, with great deference to that Honourable Society, to submit the following to their superior judgment; we believe, the most likely and effectual plan will be to establish a Convention in London, by Deputies from each county, or district, by which means the sentiments of the nation may be obtained without any confusion or disorder.

“ Looking up to the Friends of the People as our leaders, and directors, in the great and necessary business, we shall be happy, and esteem it a great favour, to receive any communication which they may vouchsafe to favour us with.

“ I have the honour to be, with much esteem,

“ your very respectful friend,

“ (By order of the Committee)

“ SAMUEL ASHTON, Secretary.

“ Campo-lane, Sheffield.”

“ *Sheffield, May 14, 1792.*”

(Addressed) “ *To the Chairman of the Committee of the Friends of the People, at the apartments of the Committee, No. 52, Frith-street, Soho, London.*”

Mr. Erskine. I cannot speak from my own recollection, but I take for granted, that on receiving such a letter as that, the Society of the Friends of the People sent an answer?

A. They did.

Q. Did any reply come to that answer?

A. It did.

Q. Of course, in order to introduce the reply, it will be necessary to read first the answer of the Society of the Friends of the

the

the People.—Gentlemen, this is in the year 1793, after the motion in the House of Commons, the Society of the Friends of the People passed a vote of thanks to all the Societies in the kingdom, that had assisted in procuring petitions to the House of Commons upon that measure, that is a letter acknowledging the receipt of the vote of thanks, and the sentiments of the people, at Sheffield, upon it.—Have you got one from Norwich, of the 10th of September, 1792?

A. I have it here (*producing it*).

Mr. Erskine. This is the answer sent to that letter, is it?

A. Yes.

Q. Was it signed by Mr. Grey?

A. It was; Mr. Grey was in the Chair of the Committee that day; I carried the answer to him, to the House of Commons, after I had copied it out fair, he signed it, and I put it into the post.

One of the Jury. Have you the reply?

A. I have it not here, but it was approving very much of the answer.

(*It was read*).

" No. 52, Frith-street, London,

" S I R,

" May 24, 1792.

" WE beg leave to acknowledge the receipt of your letter, of the 14th instant, and to return you our thanks for a confidence which, we trust, our future conduct will merit from our country.

" We have received sincere pleasure, not only from the firm and virtuous tone in which you have spoken your principles, but from the wise and temperate manner in which you have limited their application to practice.—We rejoice " that our sentiments, our motives, and our plans of Reform are perfectly " in unison with your ideas." The great body of the people " corresponding to such " sentiments" will equally confound the two opposite classes of enemies to the public weal; that it " will defeat the hopes of those who would dupe the people into " tumult, and that it will silence the slanders of those advocates of " corruption, who have laboured to render the cause of liberty " odious and terrible to all good citizens, by confounding it
" with

“ with principles of anarchy, and by loading it with the obloquy of
 “ provoking civil commotion, and of endangering the destruction
 “ of a constitution justly renowned for the freedom and happiness
 “ which it has so long bestowed. You are pleased to say,
 “ that “ you look up to the Friends of the People as your leaders
 “ and directors in this great business :” authorised as we feel our-
 “ selves by this proffered guidance, and by that harmony of sen-
 “ timent, which from the tenor of your letter, we must suppose
 “ to exist between you and ourselves, permit us to lay before you
 “ some ideas which are dictated by zeal for our common cause,
 “ The cause of Liberty can never be endangered by the assault of
 “ its enemies, but may sometimes be exposed by the indiscretion
 “ of its friends; its principles are founded on impregnable reason,
 “ and its enemies are, therefore, too dexterous directly to attack
 “ them. It is not against the reasonings of the champions of cor-
 “ ruption (for they have produced none) but it is against their
 “ craft and their misrepresentation that we have found it necessary
 “ to defend ourselves by the wariness of our language and our
 “ conduct. A similar wariness, as far as the authority of our
 “ opinion can extend, we must counsel all Societies associated on
 “ similar principles, for the accomplishment of the same object,
 “ to preserve; accused as they are, in common with ourselves, of
 “ meditating one object and holding forth another, of seducing the
 “ people by a measure so specious and salutary as Parliamentary
 “ Reform, into other measures of desperate tendency and unde-
 “ finable extent, we can only advise them to follow our example
 “ in honestly, and solemnly declaring that “ they make the pre-
 “ servation of the Constitution, on its true principles, the foun-
 “ dation of all their proceedings” and the measure of all their
 “ Reforms.—Language thus explicit will effectually combat
 “ misrepresentations to which, perhaps, ardent indiscretion may
 “ have sometimes furnished pretexts. An early declaration of
 “ these opinions, which we sincerely believe you to entertain, will
 “ conciliate many to the cause of a Reform who are now held in
 “ honest neutrality by their fears. The friends of order, after
 “ such a declaration, justified by consistent conduct, will be no
 “ longer driven to seek refuge from anarchy in the bosom
 of

" of corruption. The interested supporters of the present abuses
 " will thus be disarmed, for it is only by confounding reform with
 " commotion, and corruption with the British constitution, that
 " they are enabled to prolong and to defend their usurpations.
 " All our language, as you will perceive from the proceedings
 " which we transmit to you, has been cautious, because all our
 " views are moderate;—we are persuaded that you have a similar
 " moderation of views, and we earnestly exhort you to a similar
 " caution in language.

" It is only, indeed, with Societies, who express the same
 " moderation of principles, and adopt the same wariness of
 " language, that this Society can entertain any correspondence,
 " or promise any co-operation; we have publicly disclaimed what
 " we condemn, as well as avowed our real object, and on an
 " occasion unsought for by us. In conformity with this principle
 " we have been compelled to decline all intercourse with the So-
 " ciety for Constitutional Information in London; for though
 " we never wish to attack, nor pretend to dictate, we are
 " certainly entitled to decline all intercourse with men whose
 " views and principles appear to us irreconcilable with
 " ours.

" On the particular measure which you suggest for collecting
 " the opinion of the people on the subject of Reform, we do not
 " feel ourselves yet prepared to decide; in a more advanced stage
 " of the business it may become very fit matter for delibera-
 " tion.

" Permit us, Sir, to conclude with congratulating you, and
 " congratulating our country, on the admirable principles which
 " your letter contains, and on the intrepid moderation which it
 " entitles us to expect from you: you will deprive our enemies
 " of every pretext for counterfeiting alarms which they do not
 " feel, and of every opportunity to defeat our measures by ca-
 " lumniating our intentions.

" (In name, and by order of the Committee,)

(Signed) " C. GREY, Chairman."

" To Samuel Ashton, Esq; Secretary to the Society for Constitutional
 " Information, in Sheffield."

Mr.

Mr. Erskine. Have you any letter received from the Hertfordshire Society?

A. Yes.

Q. Is that the letter? (*showing it to the witness*)

A. This is the letter, dated October 1st, 1792.

Q. Was it read to the Society?

A. It was.

Mr. Erskine. The clerk will now read this letter.

Mr. Attorney General. We have not named that Society.

Mr. Erskine. I do not give up my right to read it.—I will argue it by and by.

Mr. Daniel Stuart,

Cross-examined by Mr. Attorney General.

Q. The letter that has last been read you say you took to Mr. Mr. Grey to be signed?

A. Yes.

Q. It was signed?

A. Yes.

Q. Did you send the letter by the post, or deliver it yourself to Mr. Ashton?

A. I sent it by the post to Sheffield.

Q. Did you know Mr. Ashton?

A. Not personally then.

Q. Do you know what Mr. Ashton is?

A. Yes; a currier, or tanner, I believe.

Q. What was he at that time?

A. I suppose in the same business, I have no doubt he was.

Q. I see you direct to Samuel Ashton, Esq.?

A. Yes.

Q. That I suppose was a thought of your own?

A. It was not.

Q. By whose direction did you direct it to Samuel Ashton, Esq.?

A. By the direction of the Committee.

Q. Did any of them know Mr. Ashton's situation in life?

A. I believe none of them knew Mr. Ashton at that time.

Q. You told us the other day, when you were here, that you did

did not know that Mr. Hardy had been an associated Member of the Constitutional Society ?

A. I did not.

Q. You see your letter is of the 24th of May ?

A. Yes.

Q. Do you know, that the same Mr. Ashton, upon the 26th of the same month, wrote to the Constitutional Society, in London, a letter, which I hold now in my hand, stating, that he had received your moderate letter, the letter of the Friends of the People ; and stating, to that Society, that, as your principles were not according to the rights of man, the Sheffield Society would have nothing to do with you, except so far as the Constitutional Society would afterwards permit ?

A. I never heard of such a letter before.

Q. Have you had any communication with Mr. Ashton since ?

A. About a twelvemonth ago Mr. Ashton was in town, and called upon me.

Q. A short time previous to this, I think about the 27th of March, your Society, the Friends of the People, had expressed their reasons for having nothing to do with the Constitutional Society ; and had stated to them, that they would have no more correspondence with them ?

A. I think that was about the beginning of May.

Q. It was before this letter of your's to Sheffield ?

A. It was.

Q. Did you know, that twelve members of that very Sheffield Society, to which you were writing, had been associated with the Constitutional Society, whose correspondence you had before rejected ?

A. I am not sure ; I had read it in the newspapers ; but I cannot say certainly whether I knew it or not.

Q. Do you mean to say, that, at the time you permitted this letter to go from the Friends of the People, to Sheffield, that you knew that that Sheffield Society had twelve members associated with that Constitutional Society, with whom your Society had refused to correspond ?

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Mr. Erskine. Have you any letter received from the Herfordshire Society?

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Q. Is that the letter? (*showing it to the witness*)

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A. At

A. At the time of sending that answer, I do not think of any such thing.

Q. I do not mean to insinuate that you did, for I do not believe that you did—then, you did not know that fact?

A. No; but, I believe, I heard of it afterwards.

Q. You observed my learned friend read to you a great many very respectable names; how many of those gentlemen have quitted your Society?

A. I suppose about a dozen.

Mr. Erskine. And you can tell how many have been added to it?

Mr. Attorney General. Your Society received this letter of the 14th, from Sheffield, as a proof of their moderation?

A. Yes.

Q. And you treated it so, of course, and knew nothing of the letter that, on the 26th of May, they wrote to the Constitutional Society, such as I have been stating to you?

A. No; I did not.

Q. You were going to state, that some gentlemen had left your Society about this time?

A. Yes; there were.

Q. Do you recollect the names of them?

A. Five gentlemen left the Society at once; their letter is printed in those proceedings; Mr. Baker, Lord John Russell, Mr. Courtenay, Mr. Dudley North, and Mr. Curwen.

Q. Have you had the curiosity to read over the names of those respectable gentlemen, whose names are printed in this list?

A. Certainly.

Q. Can you inform me how many of those gentlemen were, and continue to be members of that Constitutional Society, all correspondence with which you had rejected?

A. I can only know from hearsay.

Mr. Erskine. You will state the names.

A. I believe Mr. Goring is, but he has withdrawn from the Friends of the People.

Q. Dr. Towers is a member of the Friends of the People, and the Constitutional Society?

A. Yes.

A. Yes.

Q. Major Cartwright?

A. Yes.

Q. Mr. Batley?

A. I do not know that Mr. Batley, senior,

Q. Mr. Thompson?

A. Yes.

Q. Mr. Walker?

A. Yes.

Q. Mr. Sharpe?

A. I do not know that Mr. Sharpe is a member of the Constitutional Society.

Mr. Erskine. You will tell us, Mr. Attorney General, which you know to be members of the Constitutional Society, it will save the time of the Court; I know the fact myself, that they do continue to be members.

Mr. Attorney General. When did Mr. Wharton become a member of your Society?

A. I believe, before I had any thing to do with it.

Q. I presume you always enquired who the persons were that you addressed your letters to, before you wrote any thing to them?

A. Yes.

Q. Is Lord Daer a member of your Society?

A. Yes; he is.

Q. I understood you to say, there was an answer to your letter of the 24th of May, from Sheffield?

A. Yes; there was.

Q. Was that from the same Mr. Ashton?

A. Yes.

Q. In as moderate terms as the letter you had answered?

A. Yes; approving entirely of that answer which has been read.

Q. Do you remember whether that letter, in those moderate terms, was dated before or after the 26th of May?

A. It must have been dated after, because the answer was on the 24th of May, and this is the reply to that answer.

Q. It

Q. It might have been written by the return of the post?

A. That would not do.

Mr. Daniel Stuart,

Re-examined by *Mr. Erskine.*

Q. The reply to your answer, was in the same moderate terms, which must have been later than the 26th?

A. Yes.

Q. You were asked, by the Attorney General, whether Lord Selkirk's eldest son, Lord Daer, was and is a member of the Society of the Friends of the People?

A. He certainly is.

Q. Did not every body know that Lord Daer had been in the British Convention, at Edinburgh?

A. Yes.

Q. Every gentleman in the Society of the Friends of the People, knew that Lord Daer was a Delegate there?

A. Yes; I believe they all knew; it was in the public papers.

Q. Does he remain still a member of the Friends of the People?

A. He does.

Q. Was there any motion made to expel him, or question his conduct on that account?

A. None at all.

Mr. Attorney-General. Did your Society know what had been the proceedings of the British Convention; I do not speak of the Scotch Convention, but the British Convention?

A. They knew from the public papers, I believe; nothing further.

Q. I observe you say, the answer must be dated later than the 26th?

A. Yes.

Q. Why?

A. It is a reply to an answer signed by Mr. Grey; the letter was dated the 24th of May; it will take two days to go to Sheffield, and two days to bring up a reply.

Q. If your letter went from London on the 24th, and was answered

answered by the return of post, the date of the answer must be the 26th?

Mr. Erskine. Did you ever know a man change from a constitutional man, to a republican, in one post?

Mr. Attorney General. Did you ever know a man who was both a republican and a constitutional man, in one post?

Lord Chief Justice Eyre. The observations upon this transaction are in a much larger and higher scale than this.

William Dewsnap, (sworn)

Examined by *Mr. Erskine.*

Q. What is your trade?

A. A razor maker, at Sheffield.

Q. How long was you a member of the Society?

A. Nearly from first forming of the Society to the last.

Q. Did you attend regularly, in general?

A. I did.

Q. What was your object in becoming first, and afterwards continuing to be a member of that Society?

A. The object that I had in view, was a reformation in the Commons House of Parliament.

Q. By what means did you seek to obtain that reform, by the associations that were taking place at that time?

A. By petitioning the House of Parliament.

Q. Why did you expect that petitioning, by having associations, and delegations from those associations, would be more successful than the ordinary way of petitioning?

A. We adopted the plan of the Duke of Richmond; that was the idea that I formed of the business.

Q. From what you heard pass, and from the general proceedings of the Society, had you any reason to believe, or have you now, while I am examining you, any reason to believe that the object of the Society, in general, was different from your own?

A. I have not; from the knowledge I have of the Society, I believe that they had only one end in view.

Q. Which was the same end you had?

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A. Yes.

A. Yes.

Q. You recollect, no doubt, the obligation under which you speak—that you are sworn to speak the truth?

A. Yes.

Q. Then recollecting the sanction and solemnity under which you speak, do you declare it solemnly to be your belief now, that that was the general object of your Society?

A. Yes.

Q. If you had had any reason to believe that they intended to subvert the government—for as to touching the life of the King it is indecent to state it—if you had any reason to believe that they had had the least idea to subvert the King's authority, would you have belonged to the Society?

A. No.

Q. If, having belonged to it, you had afterwards discovered that that was the object of the Society, would you have continued in it?

A. No; I should have immediately withdrawn from it.

Q. If you had discovered—I am not talking of your own internal ideas, which indeed you have already communicated to us—but if you had discovered, from the conduct of the Society, not what any one intemperate man might say or do, but if you had discovered, from the general conduct of that Society, that its intention was mischievous, and that it meant to accomplish its purposes by force, would you have continued in it?

A. No; I would immediately have withdrawn as soon as I had formed an idea that they were meaning to obtain it by force.

Q. Were you a member of the Society when it sent a Delegate to the Convention in Scotland?

A. Yes.

Q. What did you understand your Delegate was to do, representing your Society in the Convention in Scotland; I mean what you understood, from what was said in you Society at the time?

A. That they were to associate together, in order to inform the minds of the people, and to draw up such papers, to be presented to Government, as they thought would be most conducive to

to bringing about a reformation in the Commons House of Parliament.

Q. When this Mr. Campbell Brown was sent to Edinburgh, was he authorised to proceed in any way, towards any object, but the same constitutional objects which the Society itself had in view?

A. No; he had no other authority, but acting upon the same principle that the Society had always done.

Q. Do you remember at what time there was any alarm spread in your Society upon the subject?

A. I recollect, but I cannot justly mention when.

Q. Do you remember a hand-bill?

A. I have no knowledge of the hand-bill.

Q. Do you remember any insults being offered to the Society, or to any of its members?

A. I have seen people repeatedly assembled together, and have heard them speak repeatedly of assaulting the Society; and, from inflammatory letters that were published in the Sheffield paper, by one George Russell, it very much alarmed the people of the Society at Sheffield.

Q. Upon that occasion did you hear any thing said about the Society having any pikes, or any thing for its defence?

A. No; I am almost a stranger to the pike business; I have heard it mentioned, but know little of it.

Q. If the design of the Society had been, in general, to provide arms to carry on its objects, must you not have heard of it?

A. Certainly.

Q. Was you ever in the Committee?

A. Yes.

Q. Was it ever proposed by the Committee to the Society, or from the Society to the Committee, or ever mentioned in the Society, that you were to have arms for your defence, against the Government, or for an attack upon it?

A. No; it is a question that was never agitated in the Committee, nor in the Society.

Q. Then, until these people were taken up, and this unfortunate business, which detains us here, originated—I ask you as an

honest man, whether you ever heard of such thing in your life, as arming, either to resist Government, or to attack it?

A. No; I never heard of it, either before, or since.

Q. Had you any views, in the object of your association, which extended beyond the Commons House of Parliament?

A. No, we had not; I had not for my own part, and I reasonably hope that the Society had not.

Q. Is that reasonable hope founded upon what you observed of their proceedings?

A. Yes; I never saw any thing to the contrary.

Q. You say the Duke of Richmond's plan was the object?

A. The only object that I had in view, and the only object I ever understood that the Society at large had in view.

Q. Was the object which the Society at large had in view, the Duke of Richmond's plan, stated from time to time in the Society?

A. Yes, frequently stated, and a number of the Duke of Richmond's letter to Colonel Sharman were published by the Society.

Q. The Society, in order to shew that that was their object, published that letter to Colonel Sharman? What was the reason of your Society for circulating this letter?

A. It was for the sole purpose of informing the Society at large of the principles upon which they intended to go.

Q. From every thing then that you know of the Society, of your own knowledge, from your regular attendance upon it, did they appear to you to adhere to that object?

A. Yes; strictly.

William Dewsnap,

Cross-examined by *Mr. Law.*

Q. You have said that it was your object to obtain a Reform by petitioning Parliament, was it your object all along to obtain a Reform by petitioning Parliament?

A. It was.

Q. Have

Q. Have you continued a member of the Society up to the present time?

A. Yes, from between two and three years ago, down to the present period.

Q. Was you at the meeting at the Castle Hill in April last?

A. I was.

Q. Was not the purpose of petitioning the Parliament expressly negatived at that meeting?

A. It was.

Q. Do not you know that by contrivance, that proposition was brought forward for the purpose of receiving a negative?

A. I was not much acquainted with that, neither was I in a situation to hear what passed at the Castle Hill, there was so large a concourse of people that I could not get near to the place.

Q. You heard the question put?

A. No, I cannot say that I did hear it put; I was at a great distance, and there was a large concourse of people.

Q. Did you read the proceedings afterwards in Gale's paper?

A. Yes—I might see it, but I recollect very little of it.

Q. Whatever question was then put, was it negatived, or carried in the affirmative?

A. I believe it was negatived.

Q. Were there any voices that you heard in the affirmative?

A. I do not know that there was.

Q. Did you know the question that was about to be put?

A. No—I did not.

Q. Knowing that that question had been negatived, and that it had been your object to obtain a reform through the medium of Parliament, did you afterwards withdraw yourself from a Society which had disavowed that object?

A. No, I did not—I remained.

Q. Do you know of a single member having afterwards, in consequence of that vote, which you said you read in Gale's paper, withdrawn himself from that Society?

A. No, I do not—I do not recollect a single individual.

Q. Do you know whether the proceedings of the British Convention were not approved by your Society?

A. That is a matter that I am a stranger to, whether they approved or disapproved.

Q. Was not there a vote of approbation in your Society of the proceedings of that Convention?

A. I have some recollection of it, but I was not there present, neither can I give any distinct account of that.

Q. Did you, before the meeting, know either from Broomhead or Camage, or any body else, that the question for another application to Parliament, which was put on the Castle Hill in April, 1794, was meant to be put for the purpose of being negatived?

A. No; I did not, and I have had correspondence with Broomhead these fifteen years; I have lived within a hundred yards of him for twelve or fourteen years.

Q. Then do you believe, or not, that it was or not put for the purpose of being negatived?

A. It is that of which I cannot speak.

Q. Do you know who is the Author of the paper called the Patriot?

A. I do not.

Q. Do you know one Brown?

A. Yes.

Q. Your Delegate to the Convention?

A. I do.

Q. Do you know whether he was the author?

A. I do not.

Q. Have you ever conversed with Brown about that publication?

A. No.

Q. After you had read in Gale's paper, that such a question had been put and negatived, did it still continue to be your opinion, that it was the object of the Society still to endeavour to obtain a reform by petitioning Parliament?

A. It was said they intended to petition his Majesty.

Q. Was

Q. Was that question put?

A. I never heard it put.

Q. Did you ever know any petition to his Majesty prepared?

A. No—I was ignorant of that.

Mr. Erskine. A petition to Parliament was negatived, and one drawn up immediately to the King;—it has been read in the cause.

Mr. Law. But, however, after the petitioning Parliament was distinctly negatived, no one of you withdrew?

A. No.

Q. You said you heard nothing of arming—do you know Yorke?

A. I have seen him.

Q. Do you know Davison?

A. No.

Q. Did you ever hear of such a thing as a pike being prepared, or ordered, under the direction of Yorke?

A. The first I heard of it was that Mr. Davison had wrote a letter to Thomas Hardy in London.

Q. When did you hear of that?

A. After Thomas Hardy was taken up; I did not know any thing of it before.

Q. Have you never heard a proposition for defending yourselves against what you call the Opposition Party?

A. Yes; I do remember that.

Q. When was that?

A. The time I cannot justly recollect, but I never heard it in the Society.

Q. Did you ever hear of any proposition to apply to the Magistrates or Government for your defence, in case any of you were attacked and illegally dispersed; do you recollect any proposition of that kind?

A. I do not.

William Dewsnap,

Re-examined by *Mr. Erskine.*

Q. If there had been any proposition, much more if there had

been any person for arming for such purposes, must you not have heard it?

A. Yes; and had the idea of arming been general, there undoubtedly would have been large numbers of those pikes manufactured in Sheffield.

Q. At the time that this petition to Parliament was negatived, the Delegates had not been sent to Scotland?

A. No.

Q. Was the petition that was negatived, a petition from the people of Sheffield, or a petition from the Delegates?

A. A petition from the people of Sheffield.

Q. But was it ever voted that the Delegates, after they had assembled together to consider the best means of attaining it, was it ever voted that they should not petition?

A. No—I do not know that the question ever was moved.

Mr. Erskine. Undoubtedly they did think that a petition from the people at Sheffield, at the Castle Hill, would have no possible effect upon the House of Commons, because the petitions had none before; but they expected that when the Societies in different parts of England had sent Delegates, that if those Delegates, as representatives of large bodies of people, had petitioned Parliament, that it might have its effect.

Mr. Law. Look at that letter, and say whether that is Ashton's hand-writing; are you acquainted with his hand-writing?

A. Not very well.

Q. How many hundred times have you seen him write; have not you seen him write very frequently?

A. No; not six times in my life.

Q. Do you believe that to be his hand-writing?

A. Indeed I cannot say.

Q. You must have a belief one way or other—do you believe that to be his hand-writing or not?

A. I cannot say I believe that it is, or that it is not.

Q. Can you form any judgment upon it?

A. I cannot.

Q. Do you know where Ashton is at present?

A. He is somewhere in the country; I do not know where.

Q. Where

Q. Where was he when you heard of him last?

A. In London.

Mr. Erskine. We will tell you where he is; he lives in London; I understand he is going to establish a factory.

Edward Smith, (sworn)

Examined by Mr. Erskine.

Q. Where do you live?

A. In Sheffield.

Q. What is your trade?

A. A cutler.

Q. Was you a member of this Society?

A. Yes.

Q. How long were you a member of it?

A. Ever since 1791.

Q. Was you a member of it up to the time when this business happened, these people were taken up?

A. Yes.

Q. What was your object for being a member of it?

A. To obtain a Parliamentary Reform.

Q. What did you mean by a Parliamentary Reform?

A. Upon the same plan as the Duke of Richmond and Mr. Pitt.

Q. Had you any of the Duke of Richmond's letters to Colonel Sharman?

A. Yes; we had.

Q. Is that one of them? (*shewing a printed pamphlet to the witness.*)

A. Yes; I believe it is.

Q. I suppose this was read in the Society frequently?

A. It was at times.

Q. Do you remember this passage—"Another subject of apprehension is, that the principle of allowing to every man an equal right to vote, tends to equality in other respects, and to level property. To me it seems to have a direct contrary tendency. The equal rights of men to security from oppression, and to the enjoyments of life and liberty, strikes me

" as

" as perfectly compatible with their unequal shares of industry, labour, and genius, which are the origin of inequality of fortunes. The equality and inequality of men, are both founded in nature, and whilst we do not confound the two, and only support her establishments, we cannot err." Now when you talked of the Rights of Man in your Society, I cannot ask what other people understood, but what did you understand by it yourself?

A. Equal Representation in Parliament.

Q. Did you mean any thing connected with France?

A. No.

Mr. Attorney General. What did he mean?

Mr. Erskine. Or did you mean what you said now, equal Representation in Parliament?

A. Yes.

Q. In what branch of Parliament?

A. The House of Commons.

Q. If you had observed, from attending upon the Society, that other people's objects were different from those you have expressed to be your own, would you have continued in it?

A. Not a day.

Q. And though you had clearly not discovered it, if you had only reason to believe, or suspect it?

A. I never heard any thing in the Society, as a body, like it.

Q. Did you ever hear any thing in the Society that led you to believe that they wished to attack the King's title, or attack the prerogative of the Crown?

A. Not in the least; much the other way.

Q. Did you ever hear, in the Society, any resolution concerning the House of Lords?

A. Never—not to touch the dignity of the House of Lords; the plan we went upon was the same as in 1688.

Q. What do you mean of 1688?

A. The glorious advantages that we obtained by the Revolution of 1688.

Q. You say you looked up to the Duke of Richmond's plan; I ask, upon your oath, whether you had any reason to believe that

that this plan of the Duke of Richmond's, or any other plan, was to be endeavoured to be accomplished by force?

A. Never; not by us as a body.

Q. Did you ever hear in the Society, in the course of your being there, any determination of carrying this by force of arms, not merely by your Society, in a body, but your Society and others joining?

A. Never.

Q. When was it that you heard of arming in Sheffield; if you ever did hear of arming?

A. Never till there were papers flung about in the streets, and likewise advertisements in the Courant, at Sheffield.

Q. What effect had these papers, thrown about in the streets, and the advertisements in the Courant?

A. It was calling forth the people of Sheffield to stand forth, and destroy all the people of a different persuasion from themselves, and it was signed G. Russell, a Clergyman.

Q. Did that letter, and things of a similar sort, produce any alarm in the minds of the Society?

A. In some it did; and I can relate another circumstance:— frequently when there was any kind of rejoicing in Sheffield, at good news from the Continent, it was the practice of what we call the opposite party, to come and fire pistols even into the windows of the Democrats, as they called us; they even fired into my chamber window when I was in bed.

Q. When this good news from the Continent came, had you said any thing in the Society calculated to damp the joy which should effuse?

A. Not at all,

Q. Had your Society assembled to disturb them in any thing they should say or do about a victory?

A. Not at all,

Q. Had you given any offence of any kind to them, to your knowledge?

A. No; I had not been from my work.

Q. Notwithstanding that, did your Society ever regularly arm themselves?

A. Never

A. Never.

Q. Was there any proposition ever, that they should have armed themselves to have resisted the Magistrates?

A. No; if it had been determined to resist, Sheffield, in one day, could have furnished ten thousand pikes, if it had been determined, but it never was a matter of determination or consideration of the Society.

Q. Whether you had then reason, or have now to believe that there was any determination in the Society to pursue such means?

A. All by peace and good order, according to the law of the land; that was always held forth at all the meetings that ever I attended.

Q. You say they used to call you a Democrat?

A. Yes.

Q. As a person that did not love the King?

A. I don't know what they might think.

Q. You can tell how you felt it in your own mind?

A. I understood by the word Democrat that I wanted a more equal Representation in the House of Commons, but never by any violence.

Q. Had you ever any wish in your own mind, or was it your object in becoming a member of that Society, to touch or affect your Sovereign in that respect?

A. Never.

Q. So help you God, is that so?

A. It is.

Edward Smith,

Cross-examined by Mr. Garrow.

Q. I shall not trouble you with the questions the Gentleman has repeated several times, whether you are a traitor, and ought to be hanged; I shall not ask you whether you have been guilty of High Treason, or not. These papers that were thrown about the streets at Sheffield, alarmed, very considerably, you, who were called Democrats?

A. Yes.

Q. And

Q. And made it, as you thought, necessary, that you should procure arms for your own defence?

A. Yes.

Q. To what extent now did this dreadful alarm, which made it necessary to procure arms in your own defence go; how many people did arm themselves in consequence of these dreadful alarms?

A. That I cannot tell; it was never a matter of the Society, and therefore it is impossible to say that.

Q. You have been asked a good deal about your own conduct, no doubt you procured a musket and bayonet?

A. No; I never had one in my life, nor dagger, nor any thing of the sort.

Q. Nor pike?

A. No.

Q. Upon your oath, you had neither a musket nor a pike?

A. No.

Q. Notwithstanding all this dread and excitation in the streets, you still continued to keep yourself unarmed?

A. I kept myself as much as possible in my own house.

Q. Which of the magistrates was it you applied to, for you forgot to mention his name, to prevent these desperate people from destroying you all?

A. We applied to no magistrate.

Q. I beg pardon, I made a mistake, it was the Secretary of State you applied to?

A. No; as a Society we never applied.

Q. I thought we did not understand one another; which of the Magistrates was it that, as an individual, you applied to?

A. None.

Q. You applied to the Secretary of State perhaps?

A. No.

Q. Did any body apply?

A. No.

Q. Did you not communicate these alarming threats to any body?

A. They were daily in the papers.

Q. You made no application to any body?

A. In

A. In the paper—in the register it was put, that we advised people to arm to assist the Magistrates.

Q. You are an accurate man; I see you take the Duke of Richmond's and Mr. Pitt's plan, and all these things, most perfectly; there were papers thrown about the streets, desiring the opposite party, opposite to the Democrats, to destroy all people of a different persuasion?

A. Yes; it was in the Courant.

Q. That was the same paper that desired people to arm against foreign invasion and domestic enemies?

A. I do not know what that was.

Q. Did you ever see any paper distributed in Sheffield by the opposite party, except that paper that I describe, as an invitation to arm against domestic enemies and foreign invasion?

A. It was that I named in the Courant.

Q. Upon which your Society immediately adopted their words, and advised the Democrats to arm, for the protection of property?

Mr. Erskine. Is that a proper question?

Lord Chief Justice Eyre. It is no question; it is an assertion.

Mr. Garrow. Did not your Society adopt the very words of it, as an invitation for the people to arm, for the protection of property?

A. As far as they advised people to arm, it was according to the rules of the Constitution.

Q. Did they not adopt the very language of that paper, which you stated to be an excitement?

A. Words similar to it; we had some apprehensions from it.

Q. And did you not, in consequence of that apprehension, adopt the very words?

A. Similar ones to it.

Q. The Duke of Richmond's plan, and Mr. Pitt's, were the things you adopted?

A. Yes.

Q. Have the goodness to inform a very ignorant man about all these things, which I profess myself to be; what was this plan of the Duke of Richmond's and Mr. Pitt's?

A. I understood equal Representation in Parliament, and that without

without it the people would not, as I understood the matter, have their rights.

Q. What did you take Mr. Pitt's plan for a more equal Representation to be?

A. For every man to have his voice.

Q. That you took to be Mr. Pitt's plan?

A. Yes.

Q. So much for the accuracy of your information. That gentleman read to you something about rights of man from the Duke of Richmond's plan; those were the only doctrines, of the rights of man, that ever you troubled yourselves with at Sheffield, were they; the Duke has introduced an expression about the rights of man; did you read any other publications about the rights of man, at Sheffield?

A. Sometimes.

Q. You was a cutler?

A. Yes.

Q. Then of course, you had a cheap copy of Tom Paine's Rights of Man, had not you?

A. I have read Paine.

Q. That is not an answer; you know every cutler in Sheffield had one; you had a cheap copy, had you?

A. I have seen one of the others.

Q. I dare say you have seen the best edition; have you one of the cheap copies?

A. I have seen both.

Q. I am sorry to be so troublesome, but I must have an answer.

A. I appeal to the Court, whether I am to answer that.

Q. I do not ask you whether you read it to any human creature but yourself; do you happen to have one?

A. Yes; I have read one.

Q. A cheap copy; was it made a present of to you, or how did you get it?

A. I obtained it by a subscription.

Q. A subscription of the Society?

A. No; my own, and a few friends.

Q. Upon your oath, to the amount of how many thousand of your townsmen were there, that had this cheap edition of the Rights of Man?

A. I cannot tell that.

Q. Do you not believe that of the cutlers alone, in the town of Sheffield, who had the cheap edition of the Rights of Man, there were many thousand?

A. There were many.

Q. I take for granted, that you having read that book, considered it very much as a sensible, well-written book?

A. Yes; I thought well of it.

Q. Was you, or not, one of those who attended and passed resolutions, very properly approving of that book?

A. Sometimes I was there, sometimes not.

Q. You mean, at the Society, where it was read for information and instruction?

A. It seldom, or never, was read publicly at the Society; I do not know that ever it was read in the Society.

Q. Was it in the Division Meeting?

A. It was, when we met privately at our own houses; a few friends.

Q. When a few friends met for constitutional information, you then read that book?

A. Any thing.

Q. There were other cheap books furnished by the same subscription, were there not?

A. Not many; there were a few.

Q. Could you help us to the titles of any of them?

A. No.

Q. Do you recollect the proceedings at the Globe-Tavern, in this town?

A. No.

Q. At Chalk-Farm?

A. No.

Q. At the Crown and Anchor?

A. I recollect seeing their names, never more than what was published in the public papers.

Q. I hope

Q. I hope you had all Paine's works?

A. No.

Q. Were you present at the meeting, when a public resolution was passed, expressing approbation of Paine's works?

A. I do not recollect that I was at that meeting.

Q. You won't venture to swear you was not?

A. I was not, I believe.

Q. If you had been there, you would not have been dissentient?

A. I cannot tell that.

Q. You told me, just now, you agreed in thinking it a valuable work?

A. I did.

Q. What do you take to be his notion, as to the use of Monarchy in any State?

A. I never took that into consideration properly.

Q. Upon your oath, do you not understand his book, the Rights of Man, to be a specific for getting rid of Kings every where, not only as useless, but as burthensome and destructive to the Rights of Man?

A. If he does, that is not my mind.

Lord Chief Justice Eyre. You are not asked what you thought yourself, but whether Mr. Paine's book did not propose it in that manner?

A. I believe it did, so far as I have read; but I never took notice of that passage; so far as I approve of it, I agreed; but I did not take it that Mr. Paine meant to destroy the King of this country.

Mr. Garraw. Upon your oath, did you not understand Paine's works to be expressly written for the purpose of inculcating a notion, that Monarchy was destructive to all civilized States, and that they could not too soon get rid of all Kings?

A. Though it was published that we had gained some knowledge by his works, that was never the intention of the Society, nor did they take that part of his works.

Q. You did not understand it an approbation of his works?

A. Only so far as concerned the House of Commons.

Q. Then I take for granted, you entered a protest against that part that touched the Monarchy?

A. No.

Q. I will read you a little of it: "All hereditary Government is in its nature tyranny." Do you happen to know that the Monarchy in this country constituted a part of an hereditary Government?

A. Yes; I understand it does.

Q. And that Paine asserts tyranny to be interwoven in its very nature and existence?

A. Yes; I suppose he does.

Q. "An heritable Crown"—you are politician enough—I am sure a much better one than I am—to know that the Crown of Great-Britain is an heritable Crown?

A. I believe it is.

Q. I take it for granted, that the Throne of Great-Britain is, in your judgment, an heritable Throne?

A. I suppose it is.

Q. Did you know that Paine says this: "An heritable Crown, or an heritable Throne, or by what other fanciful name such things may be called, have no other significant explanation, than that mankind are heritable property. To inherit a Government is to inherit the people, as if they were flocks and herds." This passage was not expunged, I hope, in your cheap edition?

A. Our Society never took that into consideration.

Q. Was that passage fairly printed in your copy?

A. I cannot say.

Q. Now, after the account you have given of yourself, and your manner of studying politics, I ask you, upon your oath, do you believe, that that passage was not in your copy?

A. I cannot say.

Q. Then you have no memory of what he says about heritable Crowns, and heritable Thrones?

A. Not of that passage; we never took that into consideration.

Lord Chief Justice Eyre. You are not asked whether you approved

proved of that, or took that into your consideration, but whether it was in the book?

A. I cannot say whether it was or was not; it might be.

Mr. Garrow. Was there any thing in Paine's book that had, for its object, to reconcile the people to the necessary expences of their establishments and their Government; to make them contented under the weight of taxes that, to be sure, we must bear?

A. It was always advised for people to submit.

Q. I am asking respecting this book, which you have studied accurately and attentively, did it strike you that there were any passages in it, tending to reconcile the people to the necessary burthens of the State?

A. I do not know that there were.

Q. Were there none that struck you to have a contrary tendency, to excite the people to be dissatisfied and discontented, and to think their burthens were unnecessary?

A. We thought it was our duty to apply to Parliament for redress.

Q. That is no answer; tell me whether you recollect this passage, and I am now reading out of the cheap edition: "It is inhuman to talk of a million sterling a year, paid out of the public taxes of any country, for the support of any individual, whilst thousands, who are forced to contribute thereto, are pining with want, and struggling with misery." Do you recollect such a passage as this?

A. I believe I do.

Q. "Monarchy would not have continued so many ages in the world, had it not been for the abuses it protects. It is the master fraud which shelters all others," Do you recollect this?

A. Yes.

Q. You thought this a strong passage in favour of Monarchy, did you?

A. That was never agitated.

Q. You read this passage?

A. Yes.

Q. And having read it, be so good as to tell me whether you consider that as a recommendation of the continuance of Monarchy, or its immediate destruction—how do you understand the passage?

A. We understood that we might obtain some redress; we did not wish, in any way, to touch upon the laws of this country, by any means.

Q. I have already disclaimed the intention to ask you any such question, because it is not fit to ask you, whether you were a traitor—attend to my question—how did you understand the passage I have read to you, that, “Monarchy would not have existed so many ages in the world, had it not been for the abuses it protects.” Did you understand that to be a recommendation, to the people of England, to protect and cultivate the monarchical principle, or to destroy it as soon as they could?

A. I can only answer for myself.

Q. How did you understand the author to be advising when you read that?

A. I understood him to be expressing disaffection to the King; but then they were always put away, those things, and never adhered to, upon no consideration whatever, by any of us.

Q. Upon your oath, do not you understand the passage, and did not you, when you read it, understand it to be a recommendation to get rid of Monarchy as soon as you could?

A. We never intended to do so.

Q. Did not you understand the author so to advise?

A. Certainly; the words are so.

Q. You understood that the object of a Parliamentary Reform was to be effected by petitioning, as that gentleman put it; if petitions of people in different towns would not do, then there were to be petitions from Delegates in a Convention. Did you expect your redress from Parliament itself?

A. Yes.

Q. Attend, then, to this passage in Mr. Paine's book, and tell me what you thought of that:—“The Bill, which the present Mr. Pitt brought into Parliament, some years ago, to reform Parliament, was on the same erroneous principle. The right

“ of

“ of reform is in the nation, in its original character, and the
“ constitutional method would be by a general convention,
“ elected for the purpose,” and so on. Now having read this,
as his account of a Bill brought into Parliament to reform Par-
liament; and having stated that the nation itself, in its original
character, was to do that, do you still adhere to it, that you ex-
pected it to be done by the House of Commons?

A. Yes; and we thought that the proper place to petition.

Q. You stated to that gentleman, that you grounded yourselves
upon the glorious advantages we obtained by the Revolution in
1688; you, doubtless, have read with attention Mr. Paine’s ac-
count of these advantages?

A. I have seen them, but I have not read them all.

Q. You have, no doubt, read such a thing as the Bill of
Rights?

A. Yes.

Q. There is no cutler in Sheffield, but has read that, and at-
tended to Paine’s account of it?

A. We have attended to the Bill of Rights.

Q. Does he, in giving his account of this, call that Bill of
Rights, a Bill of Wrongs and Insults?

A. I never heard any body call it so.

Q. Do not you know Paine so treats it in his Rights of
Man?

A. Yes.

Q. I observe you made use of this expression more than once,
in your answers to the learned gentleman’s questions, that you
never heard the Society, *as a body*, propose to touch the dignity
of the House of Lords, nor *as a body*, propose to interfere at all
with the Monarchy?

A. No.

Q. Did you know Mr. Yorke?

A. Yes; I know him; I have seen him.

Q. And have heard him, perhaps?

A. Yes.

Q. In private, and in public?

A. I have heard him.

Q. Did

Q. Did he use to attend at the meeting at Broomhead's, where the tribune was?

A. Sometimes.

Q. Was you a member of the Secret Committee?

A. No.

Q. Did you attend upon the Castle Hill when Yorke was there?

A. I was there some of the times.

Q. Am I right in supposing there was a motion made there for petitioning Parliament?

A. There was.

Q. What was the fate of that motion?

A. It was altered to petitioning the King.

Q. The motion for petitioning Parliament was rejected, I believe?

A. Yes; it was.

Q. How many votes were there for petitioning Parliament?

A. I do not know.

Q. Upon your oath, was there a single hand but the hand of the mover and the seconder; I suppose all motions were seconded?

Lord Chief Justice Eyre. It was not seconded.

A. I cannot answer, there was such a concourse of people.

Q. How were the votes taken?

A. By holding up of hands.

Q. Was you present upon the other hill, at Sheffield, at the celebration of the Fast?

A. Yes.

Q. You were one of the congregation?

A. Yes; I was there.

Q. How many thousands of you might be there that day?

A. I cannot tell; may be two thousand.

Q. You was one who joined in all the ceremonies of that day?

A. I was there as a looker-on; that was all.

Q. When was it that your orderly and peaceable Society, at Sheffield, first addressed the National Convention of France, as a National Convention?

A. Never,

A. Never, to my knowledge.

Q. You never heard of such a thing?

A. I never did.

Q. You did not know that Sheffield had sent any address to France?

A. No; I did not.

Q. Did you see the proceedings at the Castle Hill, as printed afterwards with Mr. Yorke's speech?

A. I did; but never read them.

Q. They were pretty generally distributed at Sheffield?

A. They were to be bought at the shops.

Q. I suppose you was not in the secret, that the motion to petition Parliament was made on purpose to be negatived; was you acquainted, before it was made, that there was to be such a motion made, in order to negative it?

A. No; I was not concerned in it at all.

Q. That petition to the King, you speak of, was for the abolition of the slave trade?

A. Yes; accompanied with the other.

Q. And enumerating a long list of grievances?

A. Yes.

Mr. Erskine. It was only a petition from the people at Sheffield, that was negatived, was it?

A. No.

Mr. Erskine. I next propose to read this letter from his Grace the Duke of Richmond to Colonel Sharman; it has been stated by one or two of the witnesses; but if it is thought more regular, I will call the Duke himself; I believe his Grace is in attendance.

THE END OF THE THIRD VOLUME.

ERRATUM.

Page 90, line 19, for *mat*, read *matter*.

Q Never, to my knowledge.
 Q You never heard of such a thing?
 A I never did.
 Q You did not know that Sheffield had sent any orders to

France?
 A No; I did not.
 Q Did you see the proceedings at the Castle Hill as printed
 afterwards with Mr. York's speech?
 A I did; but never read them.

Q They were pretty generally distributed at Sheffield?
 A They were to be bought at the shops.
 Q I suppose you was not in the lecture, that the motion to
 petition Parliament was made on purpose to be negatived; was
 you acquainted, before it was made, that there was to be such a
 motion made, in order to negative it?

A No; I was not concerned with it at all.
 Q That petition to the King, you speak of, was for the
 abolition of the slave trade?

A Yes; accompanied with the other.
 Q And enumerating a long list of grievances?
 A Yes.

Mr. Eyles. It was only a petition from the people at
 Sheffield, that was negatived, was it?

A No.
 Mr. Eyles. I next propose to read this letter from his Grace
 the Duke of Richmond to Col. ... it has been stated
 by one or two of the witnesses, though more re-
 gular, I will call the Duke's name, his Grace is in
 attendance.



THE END OF THE THIRD VOLUME.

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STATIONER.

Page 432. This is for my last name.